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ADRIAN RISKIN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

ADRIAN RISKIN,

Petitioner and Plaintiff,

vs.

CITY OF LOS ANGELES,

Respondent and Defendant.

Case No.: **19STCP05266**

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

**[California Constitution Article I § 3; Gov't
Code § 6250, *et seq.*; Civ. Proc. Code §§ 1060,
1085; Civ. Code § 3422]**

INTRODUCTION

1. Petitioner and Plaintiff ("Petitioner") ADRIAN RISKIN hereby seeks a writ of mandate, as well as declaratory and injunctive relief, to enforce the California Public Records Act ("CPRA"). Petitioner submitted four requests for public records to Respondent, the City of Los Angeles ("City"), via its Information Technology Agency ("ITA"). These requests asked for access

1 to clearly identifiable documentation of great importance to the public that is subject to mandatory
2 disclosure under the CPRA. Respondent failed to disclose even a single record in response to any of
3 Petitioner's requests, thereby violating the CPRA and the California Constitution.

4 2. The public's access to information is obstructed by Respondent's repeated and
5 systemic violation of the CPRA. By this Petition and pursuant to the Code of Civil Procedure
6 §§ 1085, *et seq.* and Government Code §§ 6250, *et seq.*,¹ Petitioner respectfully requests from this
7 Court: a writ of mandate to command Respondent to disclose all non-exempt information Petitioner
8 requested and thereby comply with the CPRA; a declaration that records Petitioner seeks are
9 disclosable and that Respondent's conduct fails to comply with the CPRA; and a permanent
10 injunction enjoining Respondent from continuing its pattern and practice of violating the CPRA.

11 **JURISDICTION AND VENUE**

12 3. This Court has jurisdiction under Gov't Code §§ 6258, 6259, Code of Civ. Proc.
13 § 1085, and Article VI, Section 10 of the California Constitution.

14 4. Venue is proper in this Court. The records in question, or some portion of them, are
15 situated in the County of Los Angeles, Gov't Code § 6259; the acts or omissions complained of
16 occurred in the County of Los Angeles, Code of Civ. Proc. § 393; and, Respondent is located in the
17 County of Los Angeles. Code of Civ. Proc. § 395.

18 **PARTIES**

19 5. Petitioner Adrian Riskin ("Petitioner" or "Riskin") is a resident of Los Angeles,
20 holds a PhD in mathematics, is a mathematics professor at a local college, and is an open records
21 activist. Riskin utilizes public record requests to investigate and understand the activities of local
22 public and quasi-public agencies. He publicizes his findings to the public through blogging and
23 community events. Riskin has uncovered information via CPRA requests that has assisted academic
24 researchers and the public at large. Riskin's research was recently featured as part of an exhibit at
25 the Los Angeles Poverty Department Museum and has been repeatedly cited in the Los Angeles
26 Times. Additionally, Riskin has empowered the public to use the CPRA effectively for both
27
28

¹ Unless otherwise stated, all references to code sections are to the California Government Code.

1 research and civic activism by publishing a guide to the practical use of the CPRA in the City of
2 Los Angeles. Riskin is a member of the public within the meaning of §§ 6252(b)-(c)..

3 6. Respondent is a municipal corporation duly organized under the laws of the State of
4 California and a public agency within the meaning of § 6252(d).

5 **FACTUAL ALLEGATIONS**

6 **Requests to Which Respondent Has Denied Access Claiming Undue Burden**

7 **Huizar Request**

8 7. Jose Huizar (“Huizar”) is a member of the Los Angeles City Council representing
9 District 14.

10 8. Since 2013, Huizar has faced multiple sexual harassment lawsuits. He is currently
11 being sued by one Pauline Medina for, *inter alia*, wrongful termination, retaliation, and workplace
12 harassment. Huizar is also being sued by one Mayra Alvarez for the same causes of action.

13 9. Huizar is also currently under FBI investigation for possible bribery, extortion,
14 money laundering and conspiracy charges related to Huizar’s alleged connections to powerful
15 downtown real estate developers.

16 10. On November 10, 2018, Petitioner submitted a request for specific and identifiable
17 public records to Respondent (the “Huizar Request”). The request sought emails from January 1,
18 2015 through July 31, 2018, between Mayra Alvarez, and seven other city employees, including
19 Huizar. Petitioner submitted his request to the City’s Information Technology Agency (“ITA”) via
20 email to Kuljeet Arora (Kuljeet.arora@lacity.org), the designated contact at ITA for public records
21 requests for electronic information. A true and accurate copy of this request is attached to this
22 petition in *Exhibit A*.

23 11. On November 14, 2018, Respondent emailed a short response acknowledging the
24 request and stating that ITA was “working on the determination calculations” and would inform
25 Petitioner of the details. A true and accurate copy of this response is attached to this petition in
26 *Exhibit A*.

27 12. On November 27, 2018, Respondent emailed a more lengthy and detailed response
28 to Petitioner. Respondent indicated that they would make an attempt to locate all responsive records

1 but would need time to determine which records may be exempt. Respondent further stated they
2 should be able to produce the records by the end of February 2019. A true and accurate copy of this
3 response is attached to this petition in *Exhibit A*.

4 13. On February 11, 2019, Respondent sent a short email to Petitioner, stating, "ITA has
5 completed your CPRA request and is now under review process with counsel." A true and accurate
6 copy of this response is attached to this petition in *Exhibit A*.

7 14. On February 14, 2019, Respondent denied Petitioner's request on the grounds that
8 Petitioner's request generated over 12,000 responsive records and that such a volume was in excess
9 of Respondent's capacity to process. Respondent requested that Petitioner submit a new CPRA
10 request with greater limits on time and subject matter to limit the number of responsive records. A
11 true and accurate copy of this response is attached to this petition in *Exhibit A*.

12 15. Petitioner responded to Respondent's February 14, 2019, email on the same day.
13 Petitioner pointed out that Respondent had produced 11,121 emails in response to a different CPRA
14 request. He therefore requested that Respondent produce only 11,121 of the over 12,000 responsive
15 records. A true and accurate copy of this response is attached to this petition in *Exhibit A*.

16 16. On February 15, 2019, Respondent replied, ignoring Petitioner's request for just
17 11,121 records and stating, in relevant part, "No. 12,000 of the requested production is beyond our
18 current abilities to process and clearly not in the public interest to devote the required staff-time to
19 do so." A true and accurate copy of this response is attached to this petition in *Exhibit A*.

20 17. Petitioner responded the same day, stating that it would be unreasonable for him to
21 submit a new request when this one took months to fulfill. Petitioner also pointed out that
22 Respondent had a duty under § 6253.1(a)(3) to assist Petitioner by providing suggestions to
23 overcome the basis on which Respondent was denying access to the requested records. Since
24 Respondent's denial is based on the number of records, Petitioner suggested that the City state the
25 maximum number of records it would produce. A true and accurate copy of this response is attached
26 to this petition in *Exhibit A*.

27 18. On February 20, 2019, Respondent replied, refusing to state the number of emails it
28 would provide and again requesting that Petitioner limit his request by time and subject matter. A

1 true and accurate copy of this response is attached to this petition in *Exhibit A*.

2 19. Petitioner responded the same day. Petitioner stated that Respondent had provided
3 him 11,121 emails in response to a different request and was apparently refusing to explain why this
4 request was any different. Petitioner also asked why Respondent could not simply provide as many
5 emails as these particular facts warranted. A true and accurate copy of this response is attached to
6 this petition in *Exhibit A*.

7 20. Respondent emailed back on the same day, stating that they would provide a
8 response to a revised request within two days and asking if Petitioner would be submitting a revised
9 request. This is the City's final response to this request. A true and accurate copy of this response is
10 attached to this petition in *Exhibit A*.

11 21. Petitioner responded minutes later, again asking what was special about this request
12 such that Petitioner could not produce at least 11,121 emails. Petitioner further stressed the public
13 interest in the contents of these emails. A true and accurate copy of this response is attached to this
14 petition in *Exhibit A*.

15 22. On March 1, 2019, Petitioner sent another email to Respondent, asking if
16 Respondent would respond to his last email on February 20, 2019. A true and accurate copy of this
17 response is attached to this petition in *Exhibit A*.

18 23. On March 6, 2019, Petitioner sent another email to Respondent, offering the
19 following compromise:

20 Why don't you think of some search terms that you find acceptable given
21 my description of what I'm looking for and taking into account your
22 unrevealed number of emails that you're willing to produce, and produce
23 emails that contain those terms. At this point I would rather have
24 whatever you're willing to give me rather than let this request slide into
25 oblivion.

26 A true and accurate copy of this response is attached to this petition in Exhibit A.

27 24. To date, Respondent has not provided any response to Petitioner since February 20,
28 2019. Nor has Respondent produced any records for Petitioner.

25 25. To date, Respondent has failed to disclose any of the public records that Petitioner
26 requested, nor has Respondent stated how many records it would be willing to produce.

Forms Request

26. On February 16, 2019, Petitioner submitted a request for specific and identifiable public records to Respondent (the “Forms Request”). The request sought all filled ITA, FOIA and/or eDiscovery Request Forms received by Respondent since January 1, 2016. It further requested all email correspondence between Respondent and requesters. Finally, the request sought copies of all records released to any requester by Respondent in the aforementioned January 1, 2016, to February 16, 2019, range. A true and accurate copy of this request is attached to this petition in *Exhibit B*.

27. On March 5, 2019, Petitioner sent another email to Respondent. Petitioner stated that over 10 days had passed since his initial request, and that the CPRA required some kind of response from Respondent within that time frame. A true and accurate copy of this request is attached to this petition in *Exhibit B*.

28. Later that day, Respondent emailed Petitioner back, noting several possible exemptions for the requested records, and asking Petitioner to narrow his request. A true and accurate copy of this request is attached to this petition in *Exhibit B*.

29. The same day, Petitioner emailed Respondent and offered to drop his request for email correspondence between ITA and requesters. Petitioner indicated that he would be satisfied with just copies of forms filed since January 1, 2016, and the records produced in response. Petitioner offered to further narrow his request for the responses to CPRA request forms only. A true and accurate copy of this request is attached to this petition in *Exhibit B*.

30. The next day, March 6, 2019, Respondent sent a detailed email to Petitioner explaining why it was overburdensome for Respondent to collect and review records for all three categories in the initial request. This email, however, apparently ignored Petitioner’s offer the prior day to drastically narrow his request. A true and accurate copy of this request is attached to this petition in *Exhibit B*.

31. The same day, Petitioner emailed back, explaining that he had already offered to narrow his request to exclude many of the records Respondent claimed would be too burdensome to produce. Petitioner went even further, offering to request just responses to CPRA requests that were

1 produced in electronic format. That way, Petitioner would not have to look for anything on paper –
2 they could simply send a link to a Google Drive with the responses. A true and accurate copy of this
3 request is attached to this petition in *Exhibit B*.

4 32. The next day, March 7, 2019, Respondent emailed Petitioner back. Despite the
5 multiple offers from Petitioner to narrow his request more and more, Respondent complained that
6 the ITA’s methods of responding to and redacting records made it still too burdensome to produce
7 them for Petitioner. A true and accurate copy of this request is attached to this petition in *Exhibit B*.

8 33. Petitioner replied the same day, March 7, 2019. Petitioner offered to narrow his
9 request even further still. Petitioner stated that for pre-2018 responses to CPRA requests, he would
10 accept a list of the requests and would then contact the owners of the records directly for the post-
11 redaction versions. Beyond that, Petitioner made it clear that Respondent must either produce the
12 records or deny the request on some valid basis under the CPRA. A true and accurate copy of this
13 request is attached to this petition in *Exhibit B*.

14 34. To date, Respondent has not provided any further response to Petitioner since March
15 7, 2019. Nor has Respondent produced any records for Petitioner.

16 35. To date, Respondent has failed to disclose any of the public records that Petitioner
17 requested.

18 36. While Respondent refused to produce ITA FOIA request forms to Petitioner, it has
19 produced the same forms to other individuals. On June 20, 2019, Respondent provided a number of
20 such forms to Anna von Herrmann in response to her public records act request. A true and accurate
21 record of von Herrmann’s email correspondence with ITA, along with a declaration from von
22 Herrmann confirming that she received the requested forms, is attached in *Exhibit B*.

23 **Requests to Which Respondent Has Denied Access through Delay and Non-Response**

24 **Garcetti Request**

25 37. Eric Garcetti (“Garcetti”) is a member of the Los Angeles City Council representing
26 District 14.

27 38. On February 19, 2016, Petitioner submitted a request for specific and identifiable
28 public records to Respondent (the “Garcetti Request”). The request sought emails from January 1,

1 2007, through December 31, 2009, between any email address ending in “hollywoodbid.org” and
2 the following employees of Los Angeles:

- 3 1. Jane.Berner@lacity.org
- 4 2. Sarah.Dusseault@lacity.org
- 5 3. Cecilia.Cabello@lacity.org
- 6 4. SAM.SIEGEL@LACITY.ORG
- 7 5. Shane.Goldsmith@lacity.org
- 8 6. Mitch.Ofarrell@lacity.org
- 9 7. Helen.Leung@.lacity.org
- 10 8. Heather.Repenning@lacity.org
- 11 9. eric.garcetti@lacity.org
- 12 10. daniel.halden@lacity.org

13 39. Petitioner submitted his request by email to agnes.lung-tam@lacity.org. That email
14 address refers to Agnes Lung-Tam. Petitioner sent the request to Ms. Lung-Tam at the suggestion of
15 Todd Gaydowski, Records Management Officer for the Office of the City Clerk. A true and
16 accurate copy of this request is attached to this petition in *Exhibit C*.

17 40. On February 22, 2016, Respondent emailed a short response to Petitioner’s Garcetti
18 Request. The response acknowledged the request and advised that it would take some time for the
19 City to respond. A true and accurate copy of this response is attached to this petition in *Exhibit C*.

20 41. On April 5, 2016, Respondent emailed Petitioner to advise that records request duties
21 were being transferred to Kuljeet Arora with assistance from Lilly Fong, and that the transfer would
22 cause some delay in the City producing a response. A true and accurate copy of this response is
23 attached to this petition in *Exhibit C*.

24 42. Petitioner responded the same day to thank Ms. Lung-Tam for the update and wish
25 her good luck in her future endeavors. A true and accurate copy of this response is attached to this
26 petition in *Exhibit C*.

27 43. On April 28, 2017, over a year after the City’s previous email, Respondent (through
28 Mr. Arora) sent an email to Petitioner. The email noted that Petitioner’s initial request was
presented as a partial list, and asked for a complete list of names, if Petitioner was still interested. A
true and accurate copy of this response is attached to this petition in *Exhibit C*.

44. Petitioner responded to Respondent’s April 28, 2017, email on the same day.

1 Petitioner asked Respondent to proceed with the original list of names and to be sure that Eric
2 Garcetti was included. A true and accurate copy of this response is attached to this petition in
3 *Exhibit C*.

4 45. The same day, Respondent sent another email, acknowledging that he would search
5 using the original list with Mr. Garcetti. A true and accurate copy of this response is attached to this
6 petition in *Exhibit C*.

7 46. On June 15, 2017, Respondent sent an email to Petitioner. The email stated that its
8 search, which was from January 1, 2006, to December 31, 2009, produced no results. The response
9 indicated that this may be because “(M)ost users did not bring their pro-2010 (*sic*) email into
10 Google”, and that the request was closed. A true and accurate copy of this response is attached to
11 this petition in *Exhibit C*.

12 47. Petitioner responded the same day. He asked how long Respondent had known that
13 its users had opted not to import their pre-2010 email when moving to Google. A true and accurate
14 copy of this response is attached to this petition in *Exhibit C*.

15 48. On June 19, 2017, Petitioner sent another email to Respondent, asking several
16 questions about how the City could simply allow all pre-2010 emails to disappear, and requesting
17 that Respondent provide some assistance in re-framing his request as required by the CPRA. A true
18 and accurate copy of this response is attached to this petition in *Exhibit C*.

19 49. On July 6, 2017, Respondent emailed Petitioner. Respondent’s email largely ignored
20 Petitioner’s June 19, 2017, email, simply asking if he would like to keep the same search values
21 with new dates or start a new search. A true and accurate copy of this response is attached to this
22 petition in *Exhibit C*.

23 50. Petitioner replied the same day. Petitioner requested that the search be modified to
24 include all emails between the lacity.org addresses and anyone at the domain hollywoodbid.org
25 from January 1, 2007, through December 31, 2016 with no search terms. He also reiterated his
26 previous question as to whether or not the City truly had no records at all of pre-2010 emails. A true
27 and accurate copy of this response is attached to this petition in *Exhibit C*.

28 51. Respondent emailed back on July 17, 2017, stating that the City indeed had no pre-

1 2010 emails and that Respondent would run the new search if Petitioner wanted. A true and
2 accurate copy of this response is attached to this petition in *Exhibit C*.

3 52. Petitioner responded the same day with several more questions regarding the deleted
4 pre-2010 emails. A true and accurate copy of this response is attached to this petition in *Exhibit C*.

5 53. Respondent replied the same day, claiming that the emails were not “missing” but
6 simply “part of the prior legacy system that was decommissioned because of costs to maintain staff
7 and on site (*sic*) servers.” Respondent further stated that two years of emails were retained “for a
8 time period until the city was fully switched to the cloud based email system.” A true and accurate
9 copy of this response is attached to this petition in *Exhibit C*.

10 54. Petitioner replied the same day, asking if someone at the City decided to delete all
11 pre-2010 emails and there was any paperwork regarding the decision. A true and accurate copy of
12 this response is attached to this petition in *Exhibit C*.

13 55. Respondent replied the same day, asking again if Petitioner wanted Respondent to
14 run the new search. A true and accurate copy of this response is attached to this petition in *Exhibit*
15 *C*.

16 56. Petitioner replied the same day, clarifying that he did want the new search run, but
17 with an end date of June 30, 2017, and that he was enclosing a modified request form. A true and
18 accurate copy of this response is attached to this petition in *Exhibit C*.

19 57. Respondent replied the same day, acknowledging the new search and stating it would
20 submit the new request form to the search team. A true and accurate copy of this response is
21 attached to this petition in *Exhibit C*.

22 58. Petitioner replied the same day, asked about the backlog and an unrelated request he
23 had made. A true and accurate copy of this response is attached to this petition in *Exhibit C*.

24 59. Petitioner waited for a response to his modified request. When none came, he wrote
25 again to Respondent in an email on January 20, 2019. Petitioner noted the request, as modified, was
26 at that point 18 months old. A true and accurate copy of this response is attached to this petition in
27 *Exhibit C*.

28 60. Respondent sent an automatic response to Petitioner’s January 20, 2019, email,

1 stating he would be out of the office until January 23, 2019. A true and accurate copy of this
2 response is attached to this petition in *Exhibit C*.

3 61. On January 23, 2019, Respondent emailed Petitioner, stating that his “request was
4 closed by ITA on 04/12/18 as the results were shared with Mike Dundas for review.” Respondent
5 further told Petitioner to contact Mr. Dundas directly for any results. Mr. Dundas is an attorney in
6 the Office of the Los Angeles City Attorney. A true and accurate copy of this response is attached to
7 this petition in *Exhibit C*.

8 62. Petitioner responded the same day to clarify which request Respondent was referring
9 to. Petitioner included Mr. Dundas on this email. A true and accurate copy of this response is
10 attached to this petition in *Exhibit C*.

11 63. On January 31, 2019, Petitioner emailed again, specifically to Mr. Dundas, asking
12 for an update. A true and accurate copy of this response is attached to this petition in *Exhibit C*.

13 64. On February 11, 2019, Petitioner emailed again asking Mr. Dundas when he would
14 have some results. A true and accurate copy of this response is attached to this petition in *Exhibit C*.

15 65. Mr. Dundas, for Respondent, replied the same day, stating that he was waiting for an
16 update from new staff, and that he would follow up with Petitioner by the end of the week. A true
17 and accurate copy of this response is attached to this petition in *Exhibit C*.

18 66. On March 1, 2019, Petitioner emailed again asking for an update. A true and
19 accurate copy of this response is attached to this petition in *Exhibit C*. Petitioner never received a
20 reply.

21 67. As of this writing, Respondent has not provided any response to Petitioner’s
22 modified request. The only response Petitioner ever received was the response to his initial pre-
23 2010 request, which indicated that Respondent essentially allowed all pre-2010 emails to disappear.
24 Respondent has produced absolutely no records for Petitioner, nor has Respondent provided any
25 reason for denying said records.

26
27 Williams-Westall Request

28 68. Herb Wesson is the current President of the Los Angeles City Council, and a

1 member representing District 10.

2 69. Andrew Westall works for Mr. Wesson as Assistant Chief Deputy.

3 70. Deron Williams works for Mr. Wesson as his chief of staff.

4 71. Mr. Wesson is currently under FBI investigation for suspicious real estate deals and
5 possible misuse of public funds.

6 72. On August 3, 2018, Petitioner submitted a request for specific and identifiable public
7 records to Respondent (the “Williams-Westall_Request”), through the City of Los Angeles website
8 for public records requests. The request sought emails from January 12, 2012, through December
9 31, 2014, between Andrew Westall and Deron Williams. A true and accurate copy of this request as
10 reflected on the City’s public records portal is attached to this petition in *Exhibit D*.

11 73. The same day, Respondent provided an automated response acknowledging the
12 request and indicating that it had been assigned to the ITA. A true and accurate copy of this
13 response is attached to this petition in *Exhibit D*.

14 74. On August 7, 2018, Respondent emailed a somewhat more lengthy and detailed
15 response to Petitioner. Though largely a boilerplate list of possible exemptions, the message
16 indicated that ITA had begun searching for records and provided an estimated time of production as
17 the end of October 2018. A true and accurate copy of this response is attached to this petition in
18 *Exhibit D*.

19 75. On August 9, 2018, Respondent sent a short statement that a determination letter was
20 to be sent to Petitioner by October 31, 2018. A true and accurate copy of this response is attached to
21 this petition in *Exhibit D*.

22 76. On November 1, 2018, Respondent sent a short statement that their “Google Team”
23 was still working on the request, and that the new due date for production would be November 30,
24 2018. A true and accurate copy of this response is attached to this petition in *Exhibit D*.

25 77. On December 6, 2018, Respondent sent a short statement that their team was still
26 working on the request, and that the new due date for production would be December 21, 2018. A
27 true and accurate copy of this response is attached to this petition in *Exhibit D*.

28 78. On December 21, 2018, Respondent sent two mostly identical short statements

1 indicating that the ITA team had completed production of all records responsive to Petitioner's
2 request, but had to forward them to the City Attorney for review. The second message indicated a
3 new date for production of January 31, 2019. A true and accurate copy of these responses are
4 attached to this petition in *Exhibit D*.

5 79. January 31, 2019, came and went with no production of any records or any further
6 communication from Respondent.

7 80. On February 10, 2019, Petitioner emailed Respondent, asking about the status of his
8 request. There was no response. A true and accurate copy of this message is attached to this petition
9 in *Exhibit D*.

10 81. On April 11, 2019, Petitioner emailed Respondent again, asking about the status of
11 his request. A true and accurate copy of this message is attached to this petition in *Exhibit D*.

12 82. On October 18, 2019, over 14 months after the initial request, Respondent sent
13 another message to Petitioner, stating, "Your request in the still shows 'OPEN'. Please advise ITA
14 if you have not received the results of your request and you are still interested in getting them." A
15 true and accurate copy of this message is attached to this petition in *Exhibit D*.

16 83. Petitioner replied the same day, stating that he had not received records, was still
17 interested, and requesting an estimated date of production. Respondent replies that ITA forwarded
18 the results to the City Attorney to be reviewed and that ITA would follow-up "if the records are
19 ready to be shared." A true and accurate copy of the correspondence as reflected on the City's
20 public records portal is attached to this petition in *Exhibit D*.

21 84. As of this writing, over 15 months have passed since the initial request and
22 Respondent has failed to disclose any of the public records to Petitioner.

23
24 **FIRST CAUSE OF ACTION:**
VIOLATION OF THE CALIFORNIA CONSTITUTION ARTICLE 1, § 3(b)

25 85. Petitioner incorporates herein by reference the allegations of paragraphs 1 through 84
26 above, as if set forth in full.

27 86. The California Constitution provides an independent right of access to government
28

1 records: “The people have the right of access to information concerning the conduct of the people’s
2 business, and, therefore, the meetings of public bodies and the writings of public officials and
3 agencies shall be open to public scrutiny.” Cal. Constitution, Art. 1 § 3(b)(1). This provision was
4 adopted by the voters in 2004 because, as the ballot argument supporting the measure states, when
5 Californians asked questions of their government, they increasingly found “that answers are hard to
6 get.” The constitutional provision is intended to reverse that trend.

7 87. Respondent’s failure to provide records in response to Petitioner’s Public Records
8 requests violated Article 1, Section 3(b) of the California Constitution.

9 **SECOND CAUSE OF ACTION:**
10 **PETITION FOR WRIT OF MANDATE PURSUANT TO THE CALIFORNIA PUBLIC**
11 **RECORDS ACT, GOV’T CODE § 6250, et seq.**

12 88. Petitioner incorporates herein by reference the allegations of paragraphs 1 through 87
13 above, as if set forth in full.

14 **General Principles of the California Public Records Act**

15 89. Under the California Public Records Act, § 6250 et seq., all records that are
16 prepared, owned, used, or retained by any public agency and that are not subject to the CPRA’s
17 statutory exemptions to disclosure must be made publicly available for inspection and copying upon
18 request. §§ 6253(a)-(b).

19 90. In enacting the CPRA, the legislature recognized that:

20 A requester, having no access to agency files, may be unable to
21 precisely identify the documents sought. Thus, writings may be
22 described by their content. The agency must then determine whether it
23 has such writings under its control and the applicability of any
24 exemption. An agency is thus obliged to search for records based on
25 criteria set forth in the search request.

26 *California First Amendment Coalition v. Superior Court*, 67 Cal. App. 4th 159, 165-66 (1998); see
27 § 6253(b).

28 91. When a member of the public submits a records request to an agency, the agency is
given ten days to determine whether the request seeks copies of disclosable public records in the
possession of the agency and must promptly notify the requestor of such determination and the

1 reasons therefor. § 6253(c). In statutorily-identified “unusual circumstances,” and “only to the
2 extent reasonably necessary to the proper processing of the particular request,” this time period may
3 be extended a maximum of 14 days. § 6253(c)-(d).

4 92. The law requires that agencies make non-exempt public records available to
5 requestors “promptly.” § 6253(b). It is unlawful for an agency “to delay or obstruct the inspection
6 of public records.” § 6253(d).

7 93. Where an agency withholds responsive records on the basis of a statutory exemption,
8 “the agency . . . must disclose that fact.” *Haynie v. Super. Ct.* 26 Cal. 4th 1061, 1072 (2001) (citing
9 § 6255). Even if portions of a document are exempt from disclosure, the agency must disclose the
10 remainder of the document. § 6253(a). The agency bears the burden of justifying nondisclosure.
11 § 6255(a). In determining whether exemptions apply, courts must follow the constitutional
12 imperative that the applicability of exemptions must be construed narrowly and that the people’s
13 right of access to public information must be construed broadly. Cal. Constitution, Art. I, § 3(b)(2).

14 94. The CPRA also requires the government to “assist the member of the public [to]
15 make a focused and effective request that reasonably describes an identifiable record or records” by
16 taking steps to “[a]ssist the member of the public to identify records and information that are
17 responsive to the request or to the purpose of the request, if stated.” § 6253.1. An agency that
18 receives a request must also “[p]rovide suggestions for overcoming any practical basis for denying
19 access to the records or information sought.” *Id.*

20 95. Whenever it is made to appear by verified petition to the Superior Court of the
21 county where the records or some part thereof are situated that certain public records are being
22 improperly withheld from a member of the public, the Court shall order the officer or person
23 charged with withholding the records to disclose the public record or show cause why he or she
24 should not do so. The Court shall decide the case after examining the record in camera (if permitted
25 by the Evidence Code), papers filed by the parties, and any oral argument and additional evidence
26 as the Court may allow. § 6259(a). If the Court finds that the failure to disclose is not justified, it
27 shall order the public official to make the record public. § 6259(b).

28 96. A petitioner prevails under the CPRA where the petitioner shows that an agency

1 unlawfully denied access to records. *Community Youth Athletic Center v. City of National City*, 220
2 Cal.App.4th 1385, 1446-1447 (2013). An agency is not protected from liability merely because the
3 denial of access was due to the agency's internal logistical problems or general neglect of its duties.
4 *Id.*

5 97. The CPRA further contains a mandatory attorney's fee provision for the prevailing
6 plaintiff. § 6259(d). The purpose of the provision is to provide "protections and incentives for
7 members of the public to seek judicial enforcement of their right to inspect public records subject to
8 disclosure." *Filarsky v. Super. Ct.*, 28 Cal.4th 419, 427 (2002).

9 98. Here, Respondent violated the CPRA by failing to promptly disclose the public
10 records that Petitioner requested. The public records Petitioner requested are not properly subject to
11 any of the CPRA's statutory exemptions, are not unduly burdensome on Respondent in any way to
12 produce, and Respondent acted unlawfully in flouting its duty to make such records available.

13 **The Records Petitioner Requested Are Not Exempt from Disclosure under the "Catchall**
14 **Exemption"**

15 99. In response to two of Petitioner's requests, Respondent refused to provide any of the
16 requested records by invoking the "catchall exemption" under § 6255. Respondent misapplied the
17 catchall exemption and violated its legal duties under the CPRA.

18 100. In response to the Huizar Request, Respondent claimed that 12,000 emails were too
19 many to review and provide, and therefore the request was overburdensome under the CPRA.
20 Respondent apparently ignored the significant public interest in the potential contents of those
21 emails, given the multiple sexual harassment suits against the Los Angeles councilman, not to
22 mention the still-ongoing FBI investigation. Moreover, Respondent apparently had no problem
23 producing 11,121 emails to Petitioner in a similar request. When Petitioner offered to limit his
24 request to that number, Respondent still claimed it was an overburdensome request. Further,
25 Respondent refused to inform Petitioner of how many records it was willing to produce. Given the
26 public's significant interest in disclosure, and the fact that Respondent had produced 11,121 emails
27 in a similar case, Respondent misapplied this exemption and violated the CPRA.

28 101. In response to the Forms Request, Respondent claimed that, despite Petitioner's

1 repeated offers to narrow the scope of his request, the number of records Respondent would be
2 required to review and produce would be too burdensome. However, Respondent previously
3 produced responsive forms to other individuals. Here, Respondent cannot meet its burden to show
4 that the public's interest in non-disclosure clearly outweighs the public interest in disclosure.

5 102. The catchall exemption of § 6255 states that public records may be withheld from
6 disclosure if the agency establishes that "on the facts of the particular case the public interest served
7 by not disclosing the record *clearly* outweighs the public interest served by disclosure of the
8 record." § 6255 (emphasis added). The exemption "contemplates a case-by-case balancing process,
9 with the burden of proof on the proponent of nondisclosure to demonstrate a clear overbalance on
10 the side of confidentiality." *Michaelis, Montanari & Johnson v. Superior Court*, 38 Cal.4th 1065,
11 1071 (2006). In determining whether the catchall exemption applies, the Court must follow the
12 constitutional imperative that the applicability of exemptions must be construed narrowly, and the
13 right of access to public information must be construed broadly. Cal. Constitution, Art. I, § 3(b)(2).

14 103. The expense and inconvenience that an agency may experience in responding to a
15 burdensome request may be considered when determining the public interest in withholding public
16 records. *See American Civil Liberties Union Foundation v. Deukmejian*, 32 Cal.3d 440, 452-53
17 (1982). However, the burden must be significant to justify nondisclosure. Courts have found that:

18 A clearly framed request which requires an agency to search an enormous volume
19 of data for a 'needle in the haystack' or, conversely, a request which compels the
20 production of a huge volume of material may be objectionable as unduly
21 burdensome. Records requests, however, inevitably impose some burden on
government agencies. An agency is obliged to comply so long as the record can
be located with reasonable effort.

22 *California First Amendment Coalition v. Superior Court*, 78 Cal.Rptr.2d 847, 849 (1998)
23 ("CFAC"). Courts have held, for example, that a request that requires a public employee to work an
24 entire 40-hour week to fulfill, or a request that costs \$43,000 to fulfill, are not by definition unduly
25 burdensome to justify nondisclosure under § 6255. *Weaver v. Super. Ct. of San Diego County*, 224
26 Cal. App. 4th 746, 752 (2014); *County of Santa Clara v. Superior Court*, 170 Cal.App.4th 1301,
27 1327 (2009).

28 104. Here, neither the Huizar or Forms requests were overly burdensome or overbroad,

1 but quite focused, discrete, and manageable. Petitioner sought: 1) a limited number of emails
2 between high-level City officials – a number of emails which Respondent had already shown
3 willingness to produce, and 2) a limited number of forms received by the City and the (electronic
4 only) responses to members of the public *already produced* in response to said forms. These
5 requests are not akin to a “needle in a haystack,” nor do they compel production of a “huge volume
6 of material.” *CFAC*, 78 Cal.Rptr.2d at 849. Rather, each request is clearly framed and requests a
7 discrete volume of records. Indeed, each of the requests can be fulfilled by a simple and
8 straightforward keyword search, placing little burden on the agency. Therefore, the public interest
9 in nondisclosure is *de minimis*.

10 105. Moreover, it is notable that Respondent does not appear to have actually engaged
11 with the content of the Huizar Request before dismissing it as overly burdensome. Respondent did
12 not provide genuine suggestions as to how Petitioner could narrow his allegedly overly-burdensome
13 request, as it is required to do by the CPRA. *See* § 6253.1. Rather, it simply claimed over and over
14 that the job was too burdensome, and when asked to help with suggestions to tailor the request,
15 ignored simply Petitioner. This provides further evidence that this request was not in fact
16 particularly burdensome, but that Respondent dismissed it out of hand without truly considering
17 what would be required to fulfill it.

18 106. The public interest in disclosing the records Petitioner requested, however, is great.
19 As an initial matter, “[i]f the records sought pertain to the conduct of the people’s business there *is* a
20 public interest in disclosure.” *Citizens for a Better Environment v. Dept. of Food & Agriculture*, 171
21 Cal.App.3d 704, 715 (1985). The weight of that interest is heavier proportionate to “the gravity of
22 the governmental tasks sought to be illuminated and the directness with which the disclosure will
23 serve to illuminate” *Id.* Here, the interest in disclosure is especially high, in that both of the requests
24 pertain to topics of significant public concern. Corruption and sexual harassments in the highest
25 levels of City government matter to citizens of Los Angeles. The way the City handles CPRA
26 requests, which are the only way citizens have to look into their local government, is of extreme
27 importance. Production of these kinds of records is of significant public concern and “would
28 contribute significantly to public understanding of government activities” if disclosed. *City of San*

1 *Jose v. Super. Ct.*, 74 Cal.App.4th 1008, 1018 (1999). Moreover, the documentation sought under
2 the Huizar Request is internal agency information and cannot be obtained through alternate sources,
3 further enhancing the public interest in its disclosure. *Id.* at 1020.

4 107. On balance, Respondent cannot establish that the public interest in withholding these
5 requested documents clearly outweighs the public interest served by their disclosure. *See* § 6255.
6 While the public interest in withholding is quite minimal, the public interest in disclosure of these
7 documents is very great. Respondent therefore violated its legal duty under the CPRA by refusing to
8 produce these requested documents. *See* § 6253.

9 **Respondent Has Denied Access to Petitioner's Requested Records through Delay and Non-**
10 **Response**

11 108. In response to the Garcetti and Williams-Westall Requests for disclosable public
12 records, Respondent has denied access to the requested records through its pattern and practice of
13 delay and non-response. Respondent has failed to provide even one record in response to these two
14 requests, and it has failed to communicate with Petitioner in any meaningful way about the
15 disclosability of the records or its estimated date of production. Respondent has thereby repeatedly
16 violated the CPRA.

17 109. First, Respondent failed to provide Petitioner with a determination as to whether his
18 requested records were disclosable at all—let alone to do so within the required 10-day statutory
19 period. § 6253(c). For both requests, it is unclear whether Respondent actually engaged with the
20 specific content of Petitioner's requests at all. The CPRA requires a firm determination of the
21 existence of and disclosability of requested records. *See* § 6253(c). It is only in unusual
22 circumstances that the 10-day time limit may be extended by written notice, and any such notice
23 must explicitly set forth the reasons for the extension and set a new date for disclosure. *Id.*

24 110. Here, Respondent failed to comply with the CPRA by its initial responses to both the
25 Garcetti and Williams-Westall Requests. In response to the Garcetti Request, Respondent took over
26 a year to tell Petitioner that all pre-2010 emails between City employees had been deleted, and
27 failed to provide an estimated date of production. In response to the Williams-Westall Request,
28 Respondent repeatedly extended its deadlines for production, then went completely silent for over a

1 year, only to email Petitioner in October 2019 to ask if he still wanted the records he requested.

2 These responses do not comply with the CPRA.

3 111. Further, Respondent has failed to provide Petitioner with any genuine estimated date
4 when his requested records will be produced. Setting and then endlessly extending an estimated date
5 of production is akin to never providing records at all. By repeatedly failing to provide Petitioner
6 with an accurate estimated date of production, Respondent has again violated the CPRA.

7 112. Most notably, Respondent has failed to provide even one single record in response to
8 Petitioner's requests. It has been over a year since Petitioner submitted each request. Respondent
9 has thereby unlawfully denied access to these public records, all of which carry a strong public
10 interest in disclosure. By failing to produce even one of these records, Respondent is maintaining in
11 a shroud of secrecy records related to its communications with high level City officials. Respondent
12 has failed to provide these records at all—let alone “promptly,” as required by the CPRA. §
13 6253(b).

14 113. Respondent's delay and failure to communicate with Petitioner regarding his
15 requests not only violates the letter of the CPRA, but also its spirit. The CPRA is predicated on the
16 principle that:

17 Openness in government is essential to the functioning of democracy. Implicit in
18 the democratic process is the notion that government should be accountable for its
19 actions. In order to verify accountability, individuals must have access to
20 government files. Such access permits checks against the arbitrary exercise of
21 official power and secrecy in the political process.

22 *Int'l Fed. Of Professional and Technical Engineers, Local 21, AFL-CIO v. Super. Ct.*, 42 Cal.4th
23 319, 328-39 (2007) (internal quotations omitted). By repeatedly failing to respond to requests for
24 such long periods of time, Respondent denies the public access to vital public information, and it
25 denies access to records while they are current and most relevant to the public interest. By so
26 delaying access to records, Respondent is withholding important information from the public and
27 frustrating the democratic process.
28

1
2 **THIRD CAUSE OF ACTION:**
3 **DECLARATORY RELIEF PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT,**
4 **GOV'T CODE § 6250, *et seq.*, CODE OF CIV. PROC. § 1060**

5 114. Petitioner incorporates herein by reference the allegations of paragraphs 1 through
6 113 above, as if set forth in full.

7 115. Petitioner is entitled to seek declaratory relief due to violation of the CPRA. § 6258.
8 Petitioner has performed all conditions precedent to filing this petition. There are no administrative
9 exhaustion requirements under Government Code § 6250, *et seq.* Petitioner has no plain, speedy,
10 adequate remedy in the ordinary course of law other than the relief sought in this petition. *See* Code
11 of Civil Procedure § 1086.

12 116. Respondent has a clear, present, ministerial duty to comply with the California
13 Constitution and Government Code § 6250, *et seq.* Respondent has repeatedly acted and continues
14 to act in violation of the CPRA by maintaining a pattern and practice of denial of access to public
15 information through misuse of exemptions, impermissible delay, non-responsiveness, and failure to
16 engage with the specific requests it receives. § 6253(b), (d).

17 117. An actual controversy exists between the parties concerning whether Respondent has
18 a duty to produce records in response to his requests and whether Respondent engaged in conduct
19 that violates the statutory requirements of the CPRA and the California Constitution. A judicial
20 determination to resolve this actual controversy is necessary and appropriate as soon as possible.

21 **FOURTH CAUSE OF ACTION:**
22 **INJUNCTIVE RELIEF PURSUANT TO THE CALIFORNIA PUBLIC RECORDS ACT,**
23 **GOV'T CODE § 6250, *et seq.*, CIV. CODE § 3422**

24 118. Petitioner incorporates herein by reference the allegations of paragraphs 1 through
25 117 above, as if set forth in full.

26 119. Petitioner is entitled to seek injunctive relief due to violation of the CPRA. § 6258. If
27 not enjoined by order of this Court, Respondent will continue its pattern and practice of unlawfully
28 denying and delaying access to public records, disregarding statutory and Constitutional
requirements, and arbitrarily preventing parties from obtaining disclosable information under the

1 CPRA.

2 120. Petitioner does not have a plain, speedy, and adequate remedy in the ordinary course
3 of law.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Petitioner prays for judgment as follows:

- 6 1. For issuance a writ of mandate directing Respondent to provide Petitioner with all
7 requested records, except those records that the Court determines may lawfully be
8 withheld;
- 9 2. For a declaration that Petitioner's request imposed a duty upon Respondent to provide
10 public, non-exempt records in response and that Respondent's conduct, policies, and
11 pattern and practice of denying access to public records violates the CPRA;
- 12 3. For a permanent injunction enjoining Respondent, its agents, employees, officers, and
13 representatives from continuing its existing pattern and practice of violating the
14 statutory requirements of the CPRA, and ordering Respondent to track and report to
15 the Court and to the public on its responses to public records requests for a period of
16 time not less than three years;
- 17 4. For Petitioner to be awarded reasonable attorneys' fees and costs; and
- 18 5. For such other and further relief as the Court deems proper and just.

19 Dated: December 6, 2019

20 Respectfully submitted,

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24 JOSEPH WANGLER
25 Attorney for Petitioner and Plaintiff
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on this the 6th day of December, 2019, in Los Angeles California.

Alfred

ADRIAN RISKIN
Petitioner and Plaintiff

EXHIBIT A

Subject: Re: Another foia request
From: ITACPRACoordinator
Date: 11/27/18, 10:27 AM
To: Michael Kohlhaas

Hello Mr. Kohlhaas,

Thank you for emailing your eDiscovery request under California Public Records Act (CPRA) to Information Technology Agency (ITA).

Please be advised that ITA has received your request on November 10th, 2018, Re: 'Email searches from January 1, 2015, through July 31, 2018, between mayra.alvarez@lacity.org on one side and on the other side any of these addresses:

1. councilmember.huizar@lacity.org
2. josehuizar@josehuizar.com
3. jose.huizar@lacity.org
4. paul.habib@lacity.org
5. rick.coca@lacity.org
6. martin.schlageter@lacity.org
7. francine.godoy@lacity.org

ITA has made its determination on your request as required by Government Code section 6253(c). To the extent that this office has non-exempt records responsive to this request, those records will be produced at the conclusion of our search. While most of the records are expected to be non-exempt, we do know that some of the records may be exempt from production. Some records may be exempt from production under California Government Code section 6254(k) because they are confidential attorney-client communications and/or protected attorney work product.

Additionally, some of the records may be exempt from release under Government Code section 6254(b) because they are "records pertaining to pending litigation." Finally, while unlikely, some requested records may be withheld under Government Code section 6255 because they would show the listed officials' deliberative process. As to these documents, Government Code section 6255 permits nondisclosure because the public interest served by protecting the official's decision-making process clearly outweighs the public interest served by the records' disclosure. Because the responsive emails must be extracted from an archival database, Government Code 6253.9(b) states that the requester shall bear the actual cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to extract a copy of the record whenever programming is required. We will email you in the coming weeks with the estimated labor cost once our IT staff is able to program your search. Please keep in mind that the California Public Records Act allows this department to receive payment in advance of the delivery of the records. As you know, we are processing CPRA searches in the order they are received and there are requests ahead of yours to be completed.

At this time, we estimate that we will be able to produce the records to you by the end of February 2019 or around then.

Please feel free to contact me directly, should you have any questions or concerns.

Thank You for your cooperation

With Regards

On Wed, Nov 14, 2018 at 10:23 AM ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

Hello 'beatboxingfoollosangeles@gmail.com'

Thank you for your FOIA email requesting ITA to see all emails from January 1, 2015, through July 31, 2018, between mayra.alvarez@lacity.org and the list of email addresses you have mentioned in your email.

ITA has received your FOIA request and working on the determination calculations.

ITA will inform you in details of the delivery.

Thank You

On Sat, Nov 10, 2018 at 7:41 PM BBFLA <beatboxingfoollosangeles@gmail.com> wrote:

Mr Arora thank you for all your help so far. I am going to need to see all emails from January 1, 2015 through July 31, 2018 between mayra.alvarez@lacity.org on one side and on the other side any of these addresses:

1. councilmember.huizar@lacity.org
2. josehuizar@josehuizar.com
3. jose.huizar@lacity.org
4. paul.habib@lacity.org
5. rick.coca@lacity.org
6. martin.schlageter@lacity.org
7. francine.godoy@lacity.org

Subject: Re: Another foia request
From: ITACPRACoordinator
Date: 2/11/19, 9:58 AM
To: Michael Kohlhaas

Hello Mr. Kohlhaas,
FYI - ITA has completed your CPRA request and is now under review process with counsel. Thank you

On Tue, Nov 27, 2018 at 10:27 AM ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

Hello Mr. Kohlhaas,

Thank you for emailing your eDiscovery request under California Public Records Act (CPRA) to Information Technology Agency (ITA).

Please be advised that ITA has received your request on November 10th, 2018, Re: 'Email searches from January 1, 2015, through July 31, 2018, between mayra.alvarez@lacity.org on one side and on the other side any of these addresses:

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3. jose.huizar@lacity.org
4. paul.habib@lacity.org
5. rick.coca@lacity.org
6. martin.schlageter@lacity.org
7. francine.godoy@lacity.org

ITA has made its determination on your request as required by Government Code section 6253(c). To the extent that this office has non-exempt records responsive to this request, those records will be produced at the conclusion of our search. While most of the records are expected to be non-exempt, we do know that some of the records may be exempt from production. Some records may be exempt from production under California Government Code section 6254(k) because they are confidential attorney-client communications and/or protected attorney work product.

Additionally, some of the records may be exempt from release under Government Code section 6254(b) because they are "records pertaining to pending litigation." Finally, while unlikely, some requested records may be withheld under Government Code section 6255 because they would show the listed officials' deliberative process. As to these documents, Government Code section 6255 permits nondisclosure because the public interest served by protecting the official's decision-making process clearly outweighs the public interest served by the records' disclosure. Because the responsive emails must be extracted from an archival database, Government Code 6253.9(b) states that the requester shall bear the actual cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to extract a copy of the record whenever programming is required. We will email you in the coming weeks with the estimated labor cost once our IT staff is able to program your search. Please keep in mind that the California Public Records Act allows this department to receive payment in advance of the delivery of the records. As you know, we are processing CPRA searches in the order they are received and there are requests ahead of yours to be completed.

At this time, we estimate that we will be able to produce the records to you by the end of February 2019 or around then.

Please feel free to contact me directly, should you have any questions or concerns.

Thank You for your cooperation

With Regards

On Wed, Nov 14, 2018 at 10:23 AM ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

Hello 'beatboxingfoollosangeles@gmail.com'

Thank you for your FOIA email requesting ITA to see all emails from January 1, 2015, through July 31, 2018, between mayra.alvarez@lacity.org and the list of email addresses you have mentioned in your email.

ITA has received your FOIA request and working on the determination calculations.

ITA will inform you in details of the delivery.

Thank You

On Sat, Nov 10, 2018 at 7:41 PM BBFLA <beatboxingfoollosangeles@gmail.com> wrote:

Mr Arora thank you for all your help so far. I am going to need to see all emails from January 1, 2015 through July 31, 2018 between mayra.alvarez@lacity.org on one side and on the other side any of these addresses:

1. councilmember.huizar@lacity.org
2. josehuizar@josehuizar.com
3. jose.huizar@lacity.org

Subject: Re: Another foia request

From: ITACPRACoordinator

Date: 2/14/19, 3:18 PM

To: BBFLA

CC: Kuljeet Arora <Kuljeet.Arora@lacity.org>, Jeanne Holm <jeanne.holm@lacity.org>

Mr. Kohlhass,

This is in further response to your California Public Records Act (CPRA) request of November 10th, 2018, seeking emails between mayra.alvarez@lacity.org and a number of other lacity.org email addresses.

Your request generated over twelve thousand responsive records. That is greatly in excess of our ability to process. Processing your request would require carefully reviewing each of the emails for any of several exemptions under the CPRA, redacting any exempt portions of the emails, and then copying the redacted copies before producing them to you. The public interest in processing these responsive records is clearly outweighed by the vast amount of staff time that would have to be dedicated to performing the task. Your request is therefore exempt from production under Government Code section 6255.

If you want to make a new CPRA request, we recommend that you significantly limit both the time period and also provide a few search terms (ones that are unusual enough that they will not generate a very large number of hits) that will result in a volume of records that City staff can review while not unreasonably interfering with their other important duties.

Thank you for your consideration.

On Sat, Nov 10, 2018 at 7:41 PM BBFLA <beatboxingfoollosangeles@gmail.com> wrote:

Mr Arora thank you for all your help so far. I am going to need to see all emails from January 1, 2015 through July 31, 2018 between mayra.alvarez@lacity.org on one side and on the other side any of these addresses:

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4. paul.habib@lacity.org
5. rick.coca@lacity.org
6. martin.schlageter@lacity.org
7. francine.godoy@lacity.org

Thank you Mr. Arora.

Subject: Re: Another foia request

From: BBFLA

Date: 2/14/19, 6:09 PM

To: ITACPRACoordinator

CC: Kuljeet Arora <Kuljeet.Arora@lacity.org>, Jeanne Holm <jeanne.holm@lacity.org>

Good day, Mr. Arora.

Rather than me making a new request, perhaps the City of Los Angeles will merely process the first 11,121 of these emails. I know for certain that that number is within the City's ability to process as the City returned precisely that many emails in two MBOX files in response to request 18-1993, made by an associate of mine.

Also, given that the City of Los Angeles has in the past processed 11,121 emails in response to a request substantially identical to this one, a 6255(a) claim will be difficult to defend given that the public interest in seeing these emails is substantially higher than the public interest in seeing the 11,121 emails responsive to request 18-1993, which, as I said, were happily and promptly processed by the City of Los Angeles. Just for instance, the subjects of this request have been reported on regularly in local and national newspapers pretty much since October 2018, and this is not to mention both television and radio coverage.

Given that heightened public interest and given that 12,000 isn't much bigger than 11,121, I think it's fair to ask the City of Los Angeles to withdraw the 6255(a) claim. However, in the spirit of cooperation I am willing to limit my request to the chronologically latest 11,121 emails in the MBOX file. As I'm sure you're aware, an MBOX is a text file with only very light formatting. It's an easy enough task to split off the last 11,121 emails and process those.

If the City of Los Angeles isn't willing to accept this compromise, I hope you will respond by telling me the maximum number of emails the City of Los Angeles is willing to process from this request and how that number was chosen in relation to the known bound of 11,121 emails to process.

Thanks so much for your help!

On 2/14/19, ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

> Mr. Kohlhas,
>
> This is in further response to your California Public Records Act (CPRA)
> request of November 10th, 2018, seeking emails between
> mayra.alvarez@lacity.org and a number of other lacity.org email addresses.
>
> Your request generated over twelve thousand responsive records. That is
> greatly in excess of our ability to process. Processing your request would
> require carefully reviewing each of the emails for any of several
> exemptions under the CPRA, redacting any exempt portions of the emails, and
> then copying the redacted copies before producing them to you. The public
> interest in processing these responsive records is clearly outweighed by
> the vast amount of staff time that would have to be dedicated to performing
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> are unusual enough that they will not generate a very large number of hits)
> that will result in a volume of records that City staff can review while
> not unreasonably interfering with their other important duties.
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> Thank you for your consideration.
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>
> On Sat, Nov 10, 2018 at 7:41 PM BBFLA <beatboxingfoollosangeles@gmail.com>
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>> 2. josehuizar@josehuizar.com
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>> 5. rick.coca@lacity.org
>> 6. martin.schlageter@lacity.org
>> 7. francine.godoy@lacity.org
>>
>> Thank you Mr. Arora.
>>
>>

>

Subject: Re: Another foia request
From: ITACPRACoordinator
Date: 2/15/19, 8:58 AM
To: BBFLA
CC: Jeanne Holm <jeanne.holm@lacity.org>

Hello Mr. Kohlhas,

No, 12,000 of the requested production is beyond our current abilities to process and clearly not in the public interest to devote the required staff-time to do so. Please submit a new request if you wish. It is not possible to state the maximum number of emails we can process. It depends on the nature of the production and how time-consuming it will be to review the documents for exemptions and redact them as appropriate.

Thank you

Regards

On Thu, Feb 14, 2019 at 6:09 PM BBFLA <beatboxingfoollosangeles@gmail.com> wrote:
Good day, Mr. Arora.

Rather than me making a new request, perhaps the City of Los Angeles will merely process the first 11,121 of these emails. I know for certain that that number is within the City's ability to process as the City returned precisely that many emails in two MBOX files in response to request 18-1993, made by an associate of mine.

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If the City of Los Angeles isn't willing to accept this compromise, I hope you will respond by telling me the maximum number of emails the City of Los Angeles is willing to process from this request and how that number was chosen in relation to the known bound of 11,121 emails to process.

Thanks so much for your help!

On 2/14/19, ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

> Mr. Kohlhas,

>

> This is in further response to your California Public Records Act (CPRA)

> request of November 10th, 2018, seeking emails between

> mayra.alvarez@lacity.org and a number of other lacity.org email addresses.

>

> Your request generated over twelve thousand responsive records. That is

> greatly in excess of our ability to process. Processing your request would

> require carefully reviewing each of the emails for any of several

> exemptions under the CPRA, redacting any exempt portions of the emails, and

> then copying the redacted copies before producing them to you. The public

> interest in processing these responsive records is clearly outweighed by

> the vast amount of staff time that would have to be dedicated to performing

> the task. Your request is therefore exempt from production under Government

> Code section 6255.

>

Subject: Re: Another foia request
From: BBFLA
Date: 2/15/19, 9:39 AM
To: ITACPRACoordinator
CC: Jeanne Holm <jeanne.holm@lacity.org>

Good day Mr. ITACPRACoordinator,

It's not reasonable to ask me to make another request when this one took months to fulfill. Please help me to make this more amenable to ITA's actually doing it per duty imposed by CPRA at section 6253.1(a)(3), which requires City to "Provide suggestions for overcoming any practical basis for denying access to the records or information sought." Practical basis is evidently that there are too many. Suggestion would be to say how many. You say that it is not possible to state a max number b/c it's fact dependent. You have the facts before you. Please state the number you would process for ***this*** request as a suggestion for a overcoming City's putative practical basis.

We know it's less than 11,121. How about 10,000?

Also, if it's so ***clearly*** in public interest not to do this work even though the whole world wants to know what's in these emails, can you potentially explain what's so clear about it? Esp in reference to those 11,121 emails of Ms. Wolcott which are pretty but not that interesting?

On 2/15/19, ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

```
> Hello Mr. Kohlhas,  
>  
> No, 12,000 of the requested production is beyond our current abilities to  
> process and clearly not in the public interest to devote the required  
> staff-time to do so. Please submit a new request if you wish. It is not  
> possible to state the maximum number of emails we can process. It depends  
> on the nature of the production and how time-consuming it will be to review  
> the documents for exemptions and redact them as appropriate.  
>  
> Thank you  
>  
> Regards  
>  
>  
>  
> On Thu, Feb 14, 2019 at 6:09 PM BBFLA <beatboxingfoollosangeles@gmail.com>  
> wrote:  
>
```

```
>> Good day, Mr. Arora.  
>>  
>> Rather than me making a new request, perhaps the City of Los Angeles  
>> will merely process the first 11,121 of these emails. I know for  
>> certain that that number is within the City's ability to process as  
>> the City returned precisely that many emails in two MBOX files in  
>> response to request 18-1993, made by an associate of mine.  
>>  
>> Also, given that the City of Los Angeles has in the past processed  
>> 11,121 emails in response to a request substantially identical to this  
>> one, a 6255(a) claim will be difficult to defend given that the public  
>> interest in seeing these emails is substantially higher than the  
>> public interest in seeing the 11,121 emails responsive to request  
>> 18-1993, which, as I said, were happily and promptly processed by the  
>> City of Los Angeles. Just for instance, the subjects of this request  
>> have been reported on regularly in local and national newspapers  
>> pretty much since October 2018, and this is not to mention both  
>> television and radio coverage.  
>>  
>> Given that heightened public interest and given that 12,000 isn't much  
>> bigger than 11,121, I think it's fair to ask the City of Los Angeles  
>> to withdraw the 6255(a) claim. However, in the spirit of cooperation  
>> I am willing to limit my request to the chronologically latest 11,121  
>> emails in the MBOX file. As I'm sure you're aware, an MBOX is a text  
>> file with only very light formatting. It's an easy enough task to  
>> split off the last 11,121 emails and process those.  
>>  
>> If the City of Los Angeles isn't willing to accept this compromise, I  
>> hope you will respond by telling me the maximum number of emails the  
>> City of Los Angeles is willing to process from this request and how  
>> that number was chosen in relation to the known bound of 11,121 emails  
>> to process.
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>> Thanks so much for your help!  
>>  
>> On 2/14/19, ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:
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>> > Mr. Kohlhas,  
>> >  
>> > This is in further response to your California Public Records Act  
>> > (CPRA)  
>> > request of November 10th, 2018, seeking emails between  
>> > mayra.alvarez@lacity.org and a number of other lacity.org email
```

```
>> addresses.
```


Subject: Re: Another foia request

From: ITACPRACoordinator

Date: 2/20/19, 8:16 AM

To: ITA CPRACoordinator <itacpracoordinator@lacity.org>, Michael Kohlhaas <beatboxingfoollosangeles@gmail.com>

CC: Jeanne Holm <jeanne.holm@lacity.org>

Hello Mr. Kohlhaas,

Providing a number is not the way to focus your request. We suggest that you specify a small number of persons whose email you are looking for (e.g., "please look for correspondences between X and Y") and provide a subject matter by providing a few search terms (ones that will not generate a huge volume of hits). We would be happy to provide more fine-grained suggestions if you inform us what sorts of information you're looking for.

Thank you

Best regards

On Fri, Feb 15, 2019 at 9:39 AM BBFLA <beatboxingfoollosangeles@gmail.com> wrote:

Good day Mr. ITACPRACoordinator,

It's not reasonable to ask me to make another request when this one took months to fulfill. Please help me to make this more amenable to ITA's actually doing it per duty imposed by CPRA at section 6253.1(a)(3), which requires City to "Provide suggestions for overcoming any practical basis for denying access to the records or information sought." Practical basis is evidently that there are too many. Suggestion would be to say how many. You say that it is not possible to state a max number b/c it's fact dependent. You have the facts before you. Please state the number you would process for *this* request as a suggestion for a overcoming City's putative practical basis.

We know it's less than 11,121. How about 10,000?

Also, if it's so *clearly* in public interest not to do this work even though the whole world wants to know what's in these emails, can you potentially explain what's so clear about it? Esp in reference to those 11,121 emails of Ms. Wolcott which are pretty but not that interesting?

On 2/15/19, ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

> Hello Mr. Kohlhaas,

>

> No, 12,000 of the requested production is beyond our current abilities to
> process and clearly not in the public interest to devote the required
> staff-time to do so. Please submit a new request if you wish. It is not
> possible to state the maximum number of emails we can process. It depends
> on the nature of the production and how time-consuming it will be to review
> the documents for exemptions and redact them as appropriate.

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> Thank you

>

> Regards

>

>

>

> On Thu, Feb 14, 2019 at 6:09 PM BBFLA <beatboxingfoollosangeles@gmail.com>
> wrote:

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>> Good day, Mr. Arora.

>>

>> Rather than me making a new request, perhaps the City of Los Angeles
>> will merely process the first 11,121 of these emails. I know for
>> certain that that number is within the City's ability to process as
>> the City returned precisely that many emails in two MBOX files in
>> response to request 18-1993, made by an associate of mine.

>>

>> Also, given that the City of Los Angeles has in the past processed
>> 11,121 emails in response to a request substantially identical to this
>> one, a 6255(a) claim will be difficult to defend given that the public
>> interest in seeing these emails is substantially higher than the
>> public interest in seeing the 11,121 emails responsive to request
>> 18-1993, which, as I said, were happily and promptly processed by the
>> City of Los Angeles. Just for instance, the subjects of this request
>> have been reported on regularly in local and national newspapers

Subject: Re: Another foia request
From: BBFLA
Date: 2/20/19, 9:00 AM
To: ITACPRACoordinator
CC: Jeanne Holm <jeanne.holm@lacity.org>

That would ordinarily make sense, but in this case even if I provide search terms other than the email addresses the facts of this particular case will not change, so that when you're using the facts to determine the public interest, like you said you would, those facts will determine a number that you're willing to process, like you said. Since the fact will not change, the number will not change, so that requiring me to submit a new request will have no effect whatsoever other than to significantly delay my access to these records.

To sum up:

You said that you were willing to provide 11,121 emails in another case b/c the facts were different.

The facts in this case do not justify providing 11,121 records.

You will not tell me the number that the facts will justify providing.

Instead you tell me to wait another four months, during which the facts won't change, to find out how many you will process.

Doesn't this seem silly?

Why don't you just give me however many emails the facts justify in your opinion?

On 2/20/19, ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

> Hello Mr. Kohlhaas,
> Providing a number is not the way to focus your request. We suggest that
> you specify a small number of persons whose email you are looking for
> (e.g., "please look for correspondences between X and Y") and provide a
> subject matter by providing a few search terms (ones that will not generate
> a huge volume of hits). We would be happy to provide more fine-grained
> suggestions if you inform us what sorts of information you're looking for.
> Thank you
> Best regards
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>> ITA's actually doing it per duty imposed by CPRA at section
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>> overcoming any practical basis for denying access to the records or
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>> practical basis.
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>> those 11,121 emails of Ms. Wolcott which are pretty but not that
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>> > on the nature of the production and how time-consuming it will be to

>> review

>> > the documents for exemptions and redact them as appropriate.
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>> > Thank you
>> >
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>> >
>> >
>> >
>> > On Thu, Feb 14, 2019 at 6:09 PM BBFLA <

>> beatboxingfoollosangeles@gmail.com>

Subject: Re: Another foia request

From: ITACPRACoordinator

Date: 2/20/19, 9:14 AM

To: ITA CPRACoordinator <itacpracoordinator@lacity.org>, Michael Kohlhaas <beatboxingfoollosangeles@gmail.com>

CC: Strefan Fauble <strefan.fauble@lacity.org>, Jeanne Holm <jeanne.holm@lacity.org>

Mr.Kohlhaas,

For your new and revised request, we will provide you the count on the new search first within 2 days, your request is still active and is in progress, so don't have to wait for additional 4 months. Please let me know if you could revise the request.

Thank You

On Wed, Feb 20, 2019 at 9:00 AM BBFLA <beatboxingfoollosangeles@gmail.com> wrote:

That would ordinarily make sense, but in this case even if I provide search terms other than the email addresses the facts of this particular case will not change, so that when you're using the facts to determine the public interest, like you said you would, those facts will determine a number that you're willing to process, like you said. Since the fact will not change, the number will not change, so that requiring me to submit a new request will have no effect whatsoever other than to significantly delay my access to these records.

To sum up:

You said that you were willing to provide 11,121 emails in another case b/c the facts were different.

The facts in this case do not justify providing 11,121 records.

You will not tell me the number that the facts will justify providing.

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> Best regards

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>>

>> We know it's less than 11,121. How about 10,000?

Subject: Re: Another foia request

From: BBFLA

Date: 2/20/19, 9:53 AM

To: ITACPRACoordinator

CC: Strefan Fauble <strefan.fauble@lacity.org>, Jeanne Holm <jeanne.holm@lacity.org>

I still don't understand why a revision involving search terms is required. In fact I think it must not be required, at least in this case.

As you are certainly aware as a result of your fact-based 6255(a) analysis, on the basis of which you denied my request as stated, these emails are of the utmost public interest not least because of allegations of sexual harassment made against Mr. Huizar. It's in the nature of sexual harassment that it cannot be determined by the specific words used, but only by the intent with which the words were used. Thus it is not possible to narrow the scope of this request by providing specific words to search on.

Also, all of Mr. Huizar's transactions with real estate developers are of the utmost public interest, which is evinced by the constant coverage in both local and national news. Therefore discussions among his staff about such matters are also of interest. But no one currently knows enough about the situation to choose search terms that will capture the parts of the discussion that are of interest.

These are two highly specific fact-based arguments for why it is absolutely not appropriate in this specific case to narrow this request by use of search terms.

Since the law requires you to have based your 6255(a) exemption on a judgment that saving the labor involving in reviewing 12K+ emails is more valuable to the public than learning about these matters, you must also be able to use that same analysis to determine that the balance would tip the other way if there were only X emails. Obviously you would have provided one email, so $1 \leq X \leq 12K$. Why won't you just tell me what X is and produce that many emails? The analysis must already be done.

If you still refuse to do this, I hope that (a) you'll explain why and (b) allow me to narrow it by date, and give me the most recent emails that don't constitute too many to review.

On 2/20/19, ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

> Mr.Kohlhaas,
> For your new and revised request, we will provide you the count on the new
> search first within 2 days, your request is still active and is in
> progress, so don't have to wait for additional 4 months. Please let me
> know if you could revise the request.

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> Thank You

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> On Wed, Feb 20, 2019 at 9:00 AM BBFLA <beatboxingfoollosangeles@gmail.com>
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>

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>> search terms other than the email addresses the facts of this
>> particular case will not change, so that when you're using the facts
>> to determine the public interest, like you said you would, those facts
>> will determine a number that you're willing to process, like you said.
>> Since the fact will not change, the number will not change, so that
>> requiring me to submit a new request will have no effect whatsoever
>> other than to significantly delay my access to these records.

>>
>> To sum up:

>>
>> You said that you were willing to provide 11,121 emails in another
>> case b/c the facts were different.

>>
>> The facts in this case do not justify providing 11,121 records.

>>
>> You will not tell me the number that the facts will justify providing.

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>> Instead you tell me to wait another four months, during which the
>> facts won't change, to find out how many you will process.

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>> your opinion?

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>> On 2/20/19, ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

>> > Hello Mr. Kohlhaas,
>> > Providing a number is not the way to focus your request. We suggest
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>> > you specify a small number of persons whose email you are looking for
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>> > subject matter by providing a few search terms (ones that will not

Subject: Re: Another foia request
From: BBFLA
Date: 3/1/19, 6:16 AM
To: ITACPRACoordinator
CC: "Strefan Fauble" <strefan.fauble@lacity.org>, "Jeanne Holm" <jeanne.holm@lacity.org>

Good morning Mr. Arora,

Can you please tell me whether or not you're planning to respond to this? I don't mind waiting while you consider it but I would like to know if you're going to answer at all.

On Wed, Feb 20, 2019, at 9:53 AM, BBFLA wrote:

> I still don't understand why a revision involving search terms is
> required. In fact I think it must not be required, at least in this
> case.
>
> As you are certainly aware as a result of your fact-based 6255(a)
> analysis, on the basis of which you denied my request as stated, these
> emails are of the utmost public interest not least because of
> allegations of sexual harassment made against Mr. Huizar. It's in the
> nature of sexual harassment that it cannot be determined by the
> specific words used, but only by the intent with which the words were
> used. Thus it is not possible to narrow the scope of this request by
> providing specific words to search on.
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> Also, all of Mr. Huizar's transactions with real estate developers are
> of the utmost public interest, which is evinced by the constant
> coverage in both local and national news. Therefore discussions among
> his staff about such matters are also of interest. But no one
> currently knows enough about the situation to choose search terms that
> will capture the parts of the discussion that are of interest.
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> These are two highly specific fact-based arguments for why it is
> absolutely not appropriate in this specific case to narrow this
> request by use of search terms.
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> Since the law requires you to have based your 6255(a) exemption on a
> judgment that saving the labor involving in reviewing 12K+ emails is
> more valuable to the public than learning about these matters, you
> must also be able to use that same analysis to determine that the
> balance would tip the other way if there were only X emails.
> Obviously you would have provided one email, so $1 \leq X \leq 12K$. Why
> won't you just tell me what X is and produce that many emails? The
> analysis must already be done.
>
> If you still refuse to do this, I hope that (a) you'll explain why and
> (b) allow me to narrow it by date, and give me the most recent emails
> that don't constitute too many to review.
>
>
>
> On 2/20/19, ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

> > Mr.Kohlhaas,
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> > know if you could revise the request.
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> >> Doesn't this seem silly?
> >>
> >> Why don't you just give me however many emails the facts justify in
> >> your opinion?
> >>
> >> On 2/20/19, ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

Subject: Re: Another foia request
From: BBFLA
Date: 3/6/19, 6:25 PM
To: ITACPRACoordinator
CC: Strefan Fauble <strefan.fauble@lacity.org>, Jeanne Holm <jeanne.holm@lacity.org>

Good evening, Mr. Arora.

Since you won't agree to produce how ever many emails you're willing to produce, and since you insist that I limit my request by search terms rather than by number of emails, even though as I explained I can't think of search terms, I would like to suggest this compromise.

Why don't you think of some search terms that you find acceptable given my description of what I'm looking for and taking into account your unrevealed number of emails that you're willing to produce, and produce emails that contain those terms. At this point I would rather have whatever you're willing to give me rather than let this request slide to oblivion.

On 3/1/19, BBFLA <beatboxingfoollosangeles@gmail.com> wrote:

> Good morning Mr. Arora,
>
> Can you please tell me whether or not you're planning to respond to this? I
> don't mind waiting while you consider it but I would like to know if you're
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>> balance would tip the other way if there were only X emails.
>> Obviously you would have provided one email, so $1 \leq X \leq 12K$. Why
>> won't you just tell me what X is and produce that many emails? The
>> analysis must already be done.
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>> (b) allow me to narrow it by date, and give me the most recent emails
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>> > search first within 2 days, your request is still active and is in
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>> >> will determine a number that you're willing to process, like you said.
>> >> Since the fact will not change, the number will not change, so that

EXHIBIT B

Subject: ITA request under Cal. Pub. Rec. Act
From: "C.R. Victor" <crvictorlaw@aol.com>
Date: 2/16/19, 12:28 PM
To: kuljeet.arora@lacity.org

Mr. Arora,

I understand that the LA procedure is that I am meant to submit requests for I.T.A. under the Cal. Pub. Rec. Act to you. What I need here is copies of all filled ITA FOIA/eDiscovery Request Forms received by ITA since January 1, 2016. Also need all email correspondence between ITA and requesters. Also need copies of all records released to any requester by ITA in that range.

thank you for your anticipated assistance.

Subject: Re: ITA request under Cal. Pub. Rec. Act
From: "C.R. Victor" <crvictorlaw@aol.com>
Date: 3/5/19, 6:54 AM
To: Kuljeet.arora@lacity.org

Mr. Arora,

I understand that the Cal. Pub. Rec. Act requires response within 10 days and yet I have not received such as yet.

thank you for your anticipated assistance.

-----Original Message-----

From: C.R. Victor <crvictorlaw@aol.com>
To: kuljeet.arora <kuljeet.arora@lacity.org>
Sent: Sat, Feb 16, 2019 12:28 pm
Subject: ITA request under Cal. Pub. Rec. Act

Mr. Arora,

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thank you for your anticipated assistance.

Subject: Re: ITA request under Cal. Pub. Rec. Act

From: Kuljeet Arora

Date: 3/5/19, 11:17 AM

To: "C.R. Victor" <crvictorlaw@aol.com>

CC: Frank Cordero <frank.cordero@lacity.org>, Strefan Fauble <strefan.fauble@lacity.org>

Hello Mr. Victor,

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At this time, I suggest that you request a more precise request which will help ITA to create a query specific to the results you are looking for. Please see the attached FOIA form to help you concise your request.

Please contact me directly should you have any questions.

On Tue, Mar 5, 2019 at 6:54 AM C.R. Victor <crvictorlaw@aol.com> wrote:

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I understand that the Cal. Pub. Rec. Act requires response within 10 days and yet I have not received such as yet.

thank you for your anticipated assistance.

-----Original Message-----

From: C.R. Victor <crvictorlaw@aol.com>

To: kuljeet.arora <kuljeet.arora@lacity.org>

Sent: Sat, Feb 16, 2019 12:28 pm

Subject: ITA request under Cal. Pub. Rec. Act

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Kuljeet Arora

Sr. Systems Analyst II

Information Technology Agency*

200 N. Main St, CHE, 14th floor (14-171)

Los Angeles, CA 90012

(:213.922-8307 | *: Kuljeet.Arora@lacity.org

* a department of 'City of Los Angeles'

'Please note that every other Monday is my Regular Day Off'

"Teaching and Learning Are Lifelong Journeys".

~ Author Unknown

P Please consider the environment before printing this email

Attachments:

Blank public records and ediscovery request form 112918.doc 35.5 kB

Subject: Re: ITA request under Cal. Pub. Rec. Act
From: "C.R. Victor" <crvictorlaw@aol.com>
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*Please note that every other Monday is my Regular Day Off'

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Subject: Re: ITA request under Cal. Pub. Rec. Act

From: Kuljeet Arora

Date: 3/6/19, 10:59 AM

To: "C.R. Victor" <crvictorlaw@aol.com>

CC: Frank Cordero <frank.cordero@lacity.org>, Strefan Fauble <strefan.fauble@lacity.org>

Hello Mr. Victor,

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- Providing you ALL the copies of CPRA ("FOIA") search forms from January 1, 2016, to present, please be advised that these forms are not readily available, ITA will have to go through each request that came within the period you asked for and print the forms, (not all the CPRA requests came in by filling the forms), Furthermore, collecting all the forms, printing and redacting, which will cover 3 years of forms and then redact them for personal email addresses and phone #'s, will take great amount of staff time. Gathering all the forms, redacting for the personal information --that would be exempt under Gov. Code section 6255 because the public interest in not searching for those clearly outweighs the public interest in spending the vast amount of time needed to locate the records to satisfy this unfocused search that isn't even related to a specific subject matter.

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From: ITACPRACoordinator

Date: 3/7/19, 8:51 AM

To: "C.R. Victor" <crvictorlaw@aol.com>

CC: Frank Cordero <frank.cordero@lacity.org>, Strefan Fauble <strefan.fauble@lacity.org>, Maryam Abbassi <maryam.abbassi@lacity.org>, Jeanne Holm <jeanne.holm@lacity.org>, Mike Dundas <mike.dundas@lacity.org>

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My suggestion would be to let ITA know a search that has 1. Start Date, 2. End Date, with a list of email addresses TO/FROM, 3 a list of external email addresses to search (indicate TO or FROM) 4. and more importantly, List Search Terms: (A single word such as 'test'. A phrase in a group of words surrounded by double quotes such as 'this is a test'. Multiple terms can be combined together with AND/OR to form a more complex query/search.

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Date: 3/7/19, 5:04 PM

To: ITACPRACoordinator@lacity.org

CC: frank.cordero@lacity.org, strefan.fauble@lacity.org, maryam.abbassi@lacity.org, jeanne.holm@lacity.org, mike.dundas@lacity.org

Hello Mr. Arora,

1. Burdensome and staff time are not exemptions listed in the Cal. Pub. Rec. Act. Please either produce these records or else state an exemption and refuse to produce them so that we can move on.

2. For pre-2018 send me a list of the requests and I will contact the owners of the records directly for the post-redaction versions. For 2018 and on send me the Google links. Or as above refuse to produce, cite an exemption, and we will move on.

thank you.

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Cc: Frank Cordero <frank.cordero@lacity.org>; Strefan Fauble <strefan.fauble@lacity.org>; Maryam Abbassi <maryam.abbassi@lacity.org>; Jeanne Holm <jeanne.holm@lacity.org>; Mike Dundas <mike.dundas@lacity.org>

Sent: Thu, Mar 7, 2019 8:52 am

Subject: Re: ITA request under Cal. Pub. Rec. Act

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Sent: Wed, Mar 6, 2019 11:00 am

Subject: Re: ITA request under Cal. Pub. Rec. Act

1 Abenicio Cisneros [SBN 302765]
2 Law Offices of Abenicio Cisneros
2443 Fillmore St. #380-7379
3 San Francisco, CA 94115
707-653-0438
4 acisneros@capublicrecordslaw.com

5 Joseph Wangler, Esq. (SBN 296901)
6 WANGLER LAW
154A W. Foothill Blvd. #368
Upland, CA 91786
7 909-272-3958
josephwanglerlaw@gmail.com

8 Attorneys for Petitioner and Plaintiff
ADRIAN RISKIN

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12
13 ADRIAN RISKIN,

14 Petitioner and Plaintiff,

15 vs.

16 CITY OF LOS ANGELES,

17 Respondent and Defendant.
18
19
20
21

) Case No.:

) **DECLARATION OF ANNA VON**
) **HERRMANN**

22
23 I, Anna von Herrmann, declare under oath as follows:

24 1. I am over 18 years of age and not a party to this case. I have personal knowledge of the
25 following matters and, if called as a witness could and would testify thereto.

26 2. On April 13, 2019, I submitted a California Public Records Act request to the City of Los
27 Angeles' Information Technology Agency ("ITA"). I sent the request from the email address
28

1 "bayareainformation@gmail.com." The request asked for all records reflecting the number of
2 FOIA/eDiscovery forms ITA received from 2016 through the date of the request.

3 3. On June 20, 2019, after some interim correspondence, the City produced approximately 98
4 pages of responsive records.

5
6 I declare under penalty of perjury under the laws of the State of California that the foregoing
7 is true and correct of my own personal knowledge, except as to matters stated upon information and
8 belief and as to such matters, I am informed and believe they are true and correct. Executed this

9 5th day of December 2019 at Sonoma, California,

10
11 Dated: December 5, 2019

12
13 By: 

14 ANNA VON HERRMANN
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Public Records Request

ITACPRACoordinator <ITACPRACoordinator@lacity.org>
To: Bay Area Information <bayareainformation@gmail.com>

Fri, Jun 21, 2019 at 9:59 AM

You are welcome.

Regards

On Fri, Jun 21, 2019 at 9:58 AM Bay Area Information <bayareainformation@gmail.com> wrote:

Thank you very much. I look forward to reviewing these records.

On Thu, Jun 20, 2019 at 3:03 PM ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

Hello,

As per your request dated April 13, 2019, requesting all records reflecting the number of FOIA/eDiscovery forms our office has received from 2016 to present.

Attached, please find a PDF scanned document that has all the FOIA request forms for the mentioned date. Information Technology Agency (ITA) withholds a few records (forms), which are filled by the City Attorney's Office for litigation purposes and are being withheld under Government Code Section 62549k) because they are protected attorney work product and privileged attorney-client communications.

Please feel free to contact me should you have any questions.

Thank You

Sincerely

On Mon, Jun 17, 2019 at 8:08 AM ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

Hello,

Yes, that is correct. I will follow-up as of this morning and let you know as soon as the records are available and ready to release.

Thank you for your cooperation and patience.

Sincerely

On Mon, Jun 17, 2019 at 8:01 AM Bay Area Information <bayareainformation@gmail.com> wrote:
Hello,

You previously indicated that the city attorney would have these documents ready by the end of the week of June 10th, which was Friday June 14. Do you know whether the documents are ready for release?

Thank you.

On Thu, Jun 6, 2019 at 8:05 AM ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

Per our City Attorney, he will have them reviewed by the end of the week of June 10th. As soon as the review is complete, ITA will email you the requested documents.

Thank you

On Wed, Jun 5, 2019 at 11:13 PM Bay Area Information <bayareainformation@gmail.com> wrote:

Thank you. What is the estimated date by which the review process will be complete and I will receive the records?

On Wed, Jun 5, 2019 at 11:37 AM ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

Hello, ITA responded and updated to you on May 7th that ITA has printed out all the FOIA forms from the year 2016 and they are under review by our City Attorney's Office. Please see the above message.

Thank you

----- Forwarded message -----

From: **ITACPRACoordinator** <ITACPRACoordinator@lacity.org>

Date: Tue, May 7, 2019 at 9:50 AM

Subject: Re: Public Records Request

To: ITA CPRACoordinator <itacpracordinator@lacity.org>

Cc: Strefan Fauble <strefan.fauble@lacity.org>

Hello,

Thank you for your follow up email to Information Technology Agency (ITA) for your CPRA request. ITA has printed out all the FOIA forms from the year 2016. Those forms are under review by our City Attorney's Office. We will deliver them as soon as the process is complete.

On Tue, May 7, 2019 at 9:34 AM Bay Area Information <bayareainformation@gmail.com> wrote:

Hello,

I'm just writing to follow up on the status of this request. Thank you again for your help.

On Fri, Apr 19, 2019 at 4:12 PM Bay Area Information <bayareainformation@gmail.com> wrote:
Thank you so much. I look forward to hearing from you by May 3.

On Fri, Apr 19, 2019 at 3:54 PM ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

Hello, Thank you for your inquiry under CPRA where you requested all records reflecting the number of FOIA/CPRA forms our office has received from 2016 to the present. In my previous email, I mentioned needing to search through emails in order to obtain the responsive records. That was a mistake and not the intended response for this request. To clarify our response to your request, we have responsive forms and we estimate that we will collect and produce those records on or before May 3rd, 2019. Thank you

On Fri, Apr 19, 2019 at 9:09 AM ITACPRACoordinator <ITACPRACoordinator@lacity.org> wrote:

Hello,

Thank you for your inquiry under CPRA that you requested all records reflecting the number of FOIA/eDiscovery forms our office has received from 2016 to the present.

Information Technology Agency receives requests from all city departments and the citizens of the City of Los Angeles.

. copies of all filled ITA FOIA/eDiscovery Request Forms received by ITA from 2016 to present.

- ITA records all incoming FOIA requests manually into the Google Sheets. Those forms are not readily available. In order to collect them, the staff needs to go into thousands of emails or requests logs in order to find and then print them. as such, that would be exempt under Gov. Code section 6255 because the public interest in not searching for those clearly outweighs the public interest in spending the vast amount of time needed to locate the records to satisfy this unfocused search that isn't even related to a specific subject matter.

Please let ITA know if you are looking for any specific search.

Thank you

Regards

On Sat, Apr 13, 2019 at 4:33 PM Bay Area Information <bayareainformation@gmail.com> wrote:

Good afternoon,

This is a request under the California Public Records Act. I would like to request all records reflecting the number of FOIA/eDiscovery forms your office has received from 2016 to the present.

Thank you for your assistance.

EXHIBIT C

Subject: Re: Possible archived emails from CD13
From: adrian@the-hanged-man.net
Date: 2/19/16, 8:25 PM
To: "Agnes Lung-Tam" <agnes.lung-tam@lacity.org>

Dear Ms. Lung-Tam,

Thanks for your help. A filled-out form is attached. If it will be helpful I can provide a flash drive. Is it possible to wait to see how big the file is before buying it? Also, is there a charge for this service?

Thank you,

Adrian Riskin

On Thu, Feb 18, 2016, at 04:05 PM, Agnes Lung-Tam wrote:

Hi, Mr. Riskin,

Thank you for your patience! After resolving unforeseen technical difficulties during the migration, the Information Technology Agency (ITA), working with Google, has finally completed the migration from the old system which had technical difficulties with email searches. ITA has started resuming email searches by working in a chronological order, starting with the oldest group of CPRA search requests in our queue, since there is a large multi-months backlog of search requests.

Please let us know if you still need your search request to be completed. If yes, we would appreciate it if you can complete the attached Public Records and eDiscovery Request Form and return it to us. This completed form will provide the clarity needed by the staff person performing the email search for you. Thanks again for your patience and your cooperation!

Agnes Lung-Tam

Compliance Manager

Information Technology Agency (ITA)

***City of Los Angeles ***

On Thu, Jan 21, 2016 at 4:13 PM, [<adrian@the-hanged-man.net>](mailto:adrian@the-hanged-man.net) wrote:

Oh, excellent. Thanks so much.

Adrian

On Thu, Jan 21, 2016, at 04:13 PM, Agnes Lung-Tam wrote:

Hi, Mr. Riskin,
Since you had inquired about making a request, I had placed your name in

the queue even though you did not provide the specific search information at the time since we could not process it. We will contact you for the search information when we come to your name/request chronologically in the queue. Thanks.

On Thu, Jan 21, 2016 at 4:06 PM, [<adrian@the-hanged-man.net>](mailto:adrian@the-hanged-man.net) wrote:

Dear Ms. Lung-Tam,

Did I make a request? I think I refrained from making one because you told me that it wasn't possible. Can I now make the request I would have made at that time?

Thanks again,

Adrian

On Thu, Jan 21, 2016, at 04:03 PM, Agnes Lung-Tam wrote:

Hi, Mr. Riskin,
After resolving unforeseen technical difficulties, the migration has finally been completed and we are just resuming the email records

search

process, starting with the oldest chronologically CPRA and records

search

requests in the queue. We are trying to work through the large multi-months backlog and will be contacting you when we come to your request in the queue. Thanks so much for your patience!

Agnes Lung-Tam

Compliance Manager

Information Technology Agency (ITA)

***City of Los Angeles ***

On Thu, Jan 21, 2016 at 11:25 AM, [<adrian@the-hanged-man.net>](mailto:adrian@the-hanged-man.net) wrote:

Dear Ms. Lung-Tam,

I was wondering if the process of migration to the new email

system is

complete yet and, subsequently, whether it is possible again to
make

public records act requests for older city emails?

Thanks for your help,

Adrian Riskin

On Tue, Sep 22, 2015, at 04:04 PM, Agnes Lung-Tam wrote:

Unfortunately I do not have an estimated completion date yet.

Thanks.

On Tue, Sep 22, 2015 at 4:55 PM, [<adrian@the-hanged-man.net>](mailto:adrian@the-hanged-man.net)

wrote:

OK, thanks. I agree that it's crucial to preserve this
stuff. Is

there

any idea when it might be available?

Thanks again,

Adrian

On Tue, Sep 22, 2015, at 04:48 PM, Agnes Lung-Tam wrote:

Hi, Mr. Riskin,

Thank you for your email. We regret to inform you that the
Information

Technology Agency (ITA) cannot process your request for email search at this time. Because our email searches had been run through an old database search tool which was at the end of its life cycle, the system was no longer able to handle complex searches. Therefore, ITA has temporarily suspended all searches to migrate the existing data to a new, faster search product that is being provided by Google. As a result, at

this

time, the requested records are temporarily exempt under

Government

Code

section 6255. As to these records, Government Code section

6255

permits

this temporary delay because the public interest served by

providing

ITA

with the time needed to safely preserve and migrate the email

data

clearly
outweighs the public interest served by records'

disclosure. We

thank

you
for your patience and understanding as ITA goes through this

transition.

Agnes Lung-Tam

Compliance Manager

Information Technology Agency (ITA)

***City of Los Angeles ***

On Tue, Sep 22, 2015 at 4:10 PM, [<adrian@the-hanged-man.net>](mailto:adrian@the-hanged-man.net)

wrote:

Dear Ms. Lung-Tam,

I'm contacting you at the suggestion of Todd Gaydowski to

ask

if I

should direct a public records request for emails from Eric

Garcetti's

term as council member for CD13. Please let me know if

this is

within

your remit and I'll send my specific request.

Thanks in advance,
Adrian Riskin

Email had 1 attachment:

+ public records and ediscovery request form 021616 (2).docx
23k
(application/vnd.openxmlformats-officedocument.wordprocessingml.document)

— Attachments: —

public records and ediscovery request form 021616-Riskin-
2016_02_19.docx

11.9 kB

ITA
FOIA/eDiscovery Request Form

1. **Department/Outside Entity Name:** Adrian Riskin

2. **Name of Case (if applicable):**

3. **Search Start Date (mm/dd/yyyy):** 01/01/2007

4. **Search End Date (mm/dd/yyyy):** 12/31/2016

5. **List all City Email Addresses or departments to Search (Indicate TO or FROM):** *add additional lines as appropriate*

_____ Council District 13__ (I can't find everyone's email addresses, but if necessary, here's a partial list: Jane.Berner@lacity.org, Sarah.Dusseault@lacity.org, Cecilia.Cabello@lacity.org, SAM.SIEGEL@LACITY.ORG, Shane.Goldsmith@lacity.org, Mitch.Ofarrell@lacity.org, Helen.Leung@.lacity.org, Heather.Repenning@lacity.org, eric.garcetti@lacity.org, daniel.halden@lacity.org

_____ I would like emails both to and from anyone at CD13 in that time span if possible, if not possible then both to and from the listed addresses. _____

6. **List all external email addresses to search (indicate TO or FROM):** *add additional lines as appropriate*

__to.from anyone at hollywoodbid.org _____

-
7. **List Search Terms:** (A single term is a single word such as “test”. A phrase is a group of words surrounded by double quotes such as “this is test”. Multiple terms can be combined together with AND/OR to form a more complex query/search: *add additional lines as appropriate*

_____no search terms_____

8. **Court ordered/legal date, if applicable (mm/dd/yyyy):**

9. **External drive provided to store the search results:**

- a. YES _____
- b. NO (list email address to receive results): adrian@foutu.org
- c. Note that I will supply a flash drive on request if necessary_____

NOTE: THE SYSTEM CAN ONLY PROVIDE SEARCH RESULTS IN MBOX FORMAT.

Subject: Re: Possible archived emails from CD13
From: Agnes Lung-Tam <agnes.lung-tam@lacity.org>
Date: 2/22/16, 2:43 PM
To: adrian@the-hanged-man.net
CC: Wayne Chan <wayne.chan@lacity.org>

Hi, Mr. Riskin,
Thanks for completing the form. Please be aware that ITA is working diligently through the backlog, so yours will be completed in the order received, which may take some time. We will notify you as to the size of the search results once your request is completed. Thanks.

On Fri, Feb 19, 2016 at 8:25 PM, <adrian@the-hanged-man.net> wrote:

Dear Ms. Lung-Tam,

Thanks for your help. A filled-out form is attached. If it will be helpful I can provide a flash drive. Is it possible to wait to see how big the file is before buying it? Also, is there a charge for this service?

Thank you,

Adrian Riskin

On Thu, Feb 18, 2016, at 04:05 PM, Agnes Lung-Tam wrote:

> Hi, Mr. Riskin,
>
> Thank you for your patience! After resolving unforeseen technical
> difficulties during the migration, the Information Technology Agency
> (ITA),
> working with Google, has finally completed the migration from the old
> system which had technical difficulties with email searches. ITA has
> started resuming email searches by working in a chronological order,
> starting with the oldest group of CPRA search requests in our queue,
> since
> there is a large multi-months backlog of search requests.
>
>
> Please let us know if you still need your search request to be completed.
> If yes, we would appreciate it if you can complete the attached Public
> Records and eDiscovery Request Form and return it to us. This completed
> form will provide the clarity needed by the staff person performing the
> email search for you. Thanks again for your patience and your
> cooperation!
>
>
>
> *Agnes Lung-Tam*

Subject: Re: Possible archived emails from CD13
From: Agnes Lung-Tam <agnes.lung-tam@lacity.org>
Date: 4/5/16, 4:41 PM
To: adrian@the-hanged-man.net
CC: Kuljeet Arora <kuljeet.arora@lacity.org>, "Lilly L. Fong" <lilly.fong@lacity.org>

Hi, Mr. Riskin,

Please be advised that the records request coordination function has been transferred to Kuljeet Arora (primary) and Lilly Fong. ITA is still working diligently through the multi-months email search request backlog as a result of the migration. They have the attached completed form that you had sent and will follow up with you accordingly. There is no charge for the service if you provide the drive for the search results. Thanks!

On Mon, Feb 22, 2016 at 2:43 PM, Agnes Lung-Tam <agnes.lung-tam@lacity.org> wrote:

Hi, Mr. Riskin,

Thanks for completing the form. Please be aware that ITA is working diligently through the backlog, so yours will be completed in the order received, which may take some time. We will notify you as to the size of the search results once your request is completed. Thanks.

On Fri, Feb 19, 2016 at 8:25 PM, <adrian@the-hanged-man.net> wrote:

Dear Ms. Lung-Tam,

Thanks for your help. A filled-out form is attached. If it will be helpful I can provide a flash drive. Is it possible to wait to see how big the file is before buying it? Also, is there a charge for this service?

Thank you,

Adrian Riskin

On Thu, Feb 18, 2016, at 04:05 PM, Agnes Lung-Tam wrote:

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> Thank you for your patience! After resolving unforeseen technical
> difficulties during the migration, the Information Technology Agency
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> working with Google, has finally completed the migration from the old
> system which had technical difficulties with email searches. ITA has
> started resuming email searches by working in a chronological order,
> starting with the oldest group of CPRA search requests in our queue,
> since
> there is a large multi-months backlog of search requests.

>

>

Subject: Re: Possible archived emails from CD13
From: adrian@the-hanged-man.net
Date: 4/5/16, 5:04 PM
To: "Agnes Lung-Tam" <agnes.lung-tam@lacity.org>
CC: Kuljeet Arora <kuljeet.arora@lacity.org>, "Lilly L. Fong" <lilly.fong@lacity.org>

Dear Ms. Lung-Tam,

Thanks for the update and for all your help. I wish you the best in your future endeavors.

Adrian

On Tue, Apr 5, 2016, at 04:41 PM, Agnes Lung-Tam wrote:

Hi, Mr. Riskin,

Please be advised that the records request coordination function has been transferred to Kuljeet Arora (primary) and Lilly Fong. ITA is still working diligently through the multi-months email search request backlog as a result of the migration. They have the attached completed form that you had sent and will follow up with you accordingly. There is no charge for the service if you provide the drive for the search results. Thanks!

On Mon, Feb 22, 2016 at 2:43 PM, Agnes Lung-Tam
<agnes.lung-tam@lacity.org>
wrote:

Hi, Mr. Riskin,
Thanks for completing the form. Please be aware that ITA is working diligently through the backlog, so yours will be completed in the order received, which may take some time. We will notify you as to the size of the search results once your request is completed. Thanks.

On Fri, Feb 19, 2016 at 8:25 PM, <adrian@the-hanged-man.net> wrote:

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Thank you,

Adrian Riskin

On Thu, Feb 18, 2016, at 04:05 PM, Agnes Lung-Tam wrote:

Hi, Mr. Riskin,

Thank you for your patience! After resolving unforeseen technical difficulties during the migration, the Information Technology Agency

Subject: Re: Possible archived emails from CD13
From: Kuljeet Arora <kuljeet.arora@lacity.org>
Date: 4/28/17, 10:46 AM
To: adrian@the-hanged-man.net
CC: Ysabel Jurado <ysabel.jurado@lacity.org>, Manav Kumar <manav.kumar@lacity.org>

Hello Mr. Riskin,
This email is related to a CPRA request as of 9/22/15 regarding Council District 13. In the request, you had mentioned that you can't find everyone's email addresses but provided us a partial list.

Please let us know if you are still interested in this request, if yes, please provide us the complete list of names or advise if ITA can proceed with the names you provided us in your request. Please see attached.
Thank You

On Tue, Apr 5, 2016 at 4:41 PM, Agnes Lung-Tam <agnes.lung-tam@lacity.org> wrote:

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Thank you,

Subject: Re: Possible archived emails from CD13
From: adrian@the-hanged-man.net
Date: 4/28/17, 10:53 AM
To: Kuljeet Arora <kuljeet.arora@lacity.org>

Hello Kuljeet!

I am still interested. Can you proceed with my original list of names but also add Eric Garcetti to it (if I didn't have him on there before)?

Also, is the backlog still 18+ months, or is it getting shorter by any chance?

Thank you so much!

Adrian

On Fri, Apr 28, 2017, at 10:46 AM, Kuljeet Arora wrote:

Hello Mr. Riskin,
This email is related to a CPRA request as of 9/22/15 regarding Council District 13. In the request, you had mentioned that you can't find everyone's email addresses but provided us a partial list.

Please let us know if you are still interested in this request, if yes, please provide us the complete list of names or advise if ITA can proceed with the names you provided us in your request. Please see attached.
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Dear Ms. Lung-Tam,

Subject: Re: Possible archived emails from CD13
From: Kuljeet Arora <kuljeet.arora@lacity.org>
Date: 4/28/17, 10:59 AM
To: adrian@the-hanged-man.net

Hello Mr. Riskin,
Thank you for your response.
I will add the name as you mentioned in your email.

We are working diligently on catching up on the list and working hard on moving the list faster.
Thank you

On Fri, Apr 28, 2017 at 10:53 AM, <adrian@the-hanged-man.net> wrote:
Hello Kuljeet!

I am still interested. Can you proceed with my original list of names but also add Eric Garcetti to it (if I didn't have him on there before)?

Also, is the backlog still 18+ months, or is it getting shorter by any chance?

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> everyone's email addresses but provided us a partial list.
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> please provide us the complete list of names or advise if ITA can proceed
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> Thank You
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Subject: Re: Possible archived emails from CD13
From: Kuljeet Arora <kuljeet.arora@lacity.org>
Date: 6/15/17, 9:43 AM
To: adrian@the-hanged-man.net
CC: Ysabel Jurado <ysabel.jurado@lacity.org>, Manav Kumar <manav.kumar@lacity.org>, Omar Gonzales <omar.gonzales@lacity.org>, Strefan Fauble <strefan.fauble@lacity.org>

Hello Mr. Risikin and Omar,
As per your CPRA request St. Date: 01/01/2007 with End Date: 12/31/2009, the request produced zero (0) search results for the time frame given. Most users did not bring their pre-2010 email into Google.

Please let me know if you have any questions.

Your request is now closed.

Regards

On Fri, Apr 28, 2017 at 10:46 AM, Kuljeet Arora <kuljeet.arora@lacity.org> wrote:

Hello Mr. Riskin,
This email is related to a CPRA request as of 9/22/15 regarding Council District 13. In the request, you had mentioned that you can't find everyone's email addresses but provided us a partial list.

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Subject: Re: Possible archived emails from CD13

From: adrian@the-hanged-man.net

Date: 6/15/17, 9:47 AM

To: Kuljeet Arora <kuljeet.arora@lacity.org>

CC: Ysabel Jurado <ysabel.jurado@lacity.org>, Manav Kumar <manav.kumar@lacity.org>, Omar Gonzales <omar.gonzales@lacity.org>, Strefan Fauble <strefan.fauble@lacity.org>

Hello Ms. Arora.

I suppose it would have been useful to know this 21 months ago when I made the request so that I could have adjusted the timeframe to take this hitherto unrevealed fact into account. Is this newly discovered information about it being the users' choice whether to preserve their email or has IT known it all along?

Can you tell me how long the current backlog is?

Thanks,

Adrian

On Thu, Jun 15, 2017, at 09:43 AM, Kuljeet Arora wrote:

Hello Mr. Risikin and Omar,
As per your CPRA request St. Date: 01/01/2007 with End Date: 12/31/2009, the request produced zero (0) search results for the time frame given.
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From: adrian@mailingaddress.org
Date: 6/19/17, 5:13 PM
To: Kuljeet Arora <kuljeet.arora@lacity.org>

Hi Ms. Arora,

I'm still confused about this request. When I originally asked Ms. Lung-Tam about the search she told me that the emails from that time span were being migrated into a new system. She did not say anything about them not existing.

Is it really true that the City of Los Angeles allowed all or most of its emails from 2010 and earlier to be erased based on whether or not users decided to preserve them? This seems impossible. It also seems incredible that users' email wasn't migrated automatically. E.g. how could they answer an email from the last day of the old email system using the new email system?

It also seems impossible that there would not be backups, e.g. on tape or some other medium, of older emails.

Please note that CPRA requires you all to help me frame my request so that it's effective. Explaining the ultimate fate of the City's pre-2010 email archive seems to fall into this kind of communication.

Thanks again for your help,

Adrian

On Thu, Jun 15, 2017, at 09:43 AM, Kuljeet Arora wrote:

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Thank You

Subject: Re: Possible archived emails from CD13

From: Kuljeet Arora <kuljeet.arora@lacity.org>

Date: 7/6/17, 2:58 PM

To: adrian@the-hanged-man.net

CC: Ysabel Jurado <ysabel.jurado@lacity.org>, Manav Kumar <manav.kumar@lacity.org>, Omar Gonzales <omar.gonzales@lacity.org>, Strefan Fauble <strefan.fauble@lacity.org>

Hello Mr.Adrian,

Please let me know if you would like to keep the same search with new dates or start a new search.

Thank You

Regards

On Thu, Jun 15, 2017 at 9:47 AM, <adrian@the-hanged-man.net> wrote:
Hello Ms. Arora.

I suppose it would have been useful to know this 21 months ago when I made the request so that I could have adjusted the timeframe to take this hitherto unrevealed fact into account. Is this newly discovered information about it being the users' choice whether to preserve their email or has IT known it all along?

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> users did not bring their pre-2010 email into Google.
>
> Please let me know if you have any questions.
>
> Your request is now closed.
>
> Regards
>

Subject: Re: Possible archived emails from CD13
From: adrian@mailingaddress.org
Date: 7/6/17, 3:17 PM
To: Kuljeet Arora <kuljeet.arora@lacity.org>

Hello Mr. Kuljeet.

Can you run a search for all emails between the lacity.org addresses and anyone at the domain hollywoodbid.org from January 1, 2007 through December 31, 2016 with no search terms. I am attaching

If this is not possible, can you tell me the allowable parameters for requested searches?

Also, can you please clarify whether or not the City has possession of the records I originally requested? Your previous response was unclear in that you said the search you ran turned up nothing but you didn't say that the City did not retain emails from 2009 and earlier. If this is the case can you please let me know? Can you tell me roughly what emails the City has copies of? This would assist me in reframing this request if necessary so that it produces results.

thanks,

Adrian

On Thu, Jul 6, 2017, at 02:58 PM, Kuljeet Arora wrote:

Hello Mr. Adrian,
Please let me know if you would like to keep the same search with new dates or start a new search.

Thank You

Regards

On Thu, Jun 15, 2017 at 9:47 AM, adrian@the-hanged-man.net wrote:

Hello Ms. Arora.

I suppose it would have been useful to know this 21 months ago when I made the request so that I could have adjusted the timeframe to take this hitherto unrevealed fact into account. Is this newly discovered information about it being the users' choice whether to preserve their email or has IT known it all along?

Can you tell me how long the current backlog is?

Thanks,

Adrian

On Thu, Jun 15, 2017, at 09:43 AM, Kuljeet Arora wrote:

Hello Mr. Risikin and Omar,
As per your CPRA request St. Date: 01/01/2007 with End Date: 12/31/2009,

Subject: Re: Possible archived emails from CD13
From: Kuljeet Arora <kuljeet.arora@lacity.org>
Date: 7/17/17, 9:11 AM
To: adrian@mailingaddress.org

Hello Mr. Adrian,
ITA can run the new search as you mentioned. For the prior search, there are no responsive records in our possession. As a frame of reference, the city has emails from 2010 on. Please let me know.
Thank You
Regards

On Thu, Jul 6, 2017 at 3:17 PM, <adrian@mailingaddress.org> wrote:
Hello Mr. Kuljeet.

Can you run a search for all emails between the lacity.org addresses and anyone at the domain hollywoodbid.org from January 1, 2007 through December 31, 2016 with no search terms. I am attaching

If this is not possible, can you tell me the allowable parameters for requested searches?

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thanks,

Adrian

On Thu, Jul 6, 2017, at 02:58 PM, Kuljeet Arora wrote:

> Hello Mr.Adrian,
> Please let me know if you would like to keep the same search with new
> dates
> or start a new search.

>
> Thank You
>
> Regards

>
>
> On Thu, Jun 15, 2017 at 9:47 AM, <adrian@the-hanged-man.net> wrote:
>
> > Hello Ms. Arora.

Subject: Re: Possible archived emails from CD13
From: adrian@mailingaddress.org
Date: 7/17/17, 9:14 AM
To: Kuljeet Arora <kuljeet.arora@lacity.org>

Hi, thanks for letting me know. How long has it been known that all emails from 2009 and earlier are missing? Is there some reason Ms. Lung-Tam didn't tell me this at the time I made the request? Does anyone know what happened to the earlier emails?

On Mon, Jul 17, 2017, at 09:11 AM, Kuljeet Arora wrote:

Hello Mr. Adrian,
ITA can run the new search as you mentioned. For the prior search, there are no responsive records in our possession. As a frame of reference, the city has emails from 2010 on. Please let me know.
Thank You
Regards

On Thu, Jul 6, 2017 at 3:17 PM, <adrian@mailingaddress.org> wrote:

Hello Mr. Kuljeet.

Can you run a search for all emails between the lacity.org addresses and anyone at the domain hollywoodbid.org from January 1, 2007 through December 31, 2016 with no search terms. I am attaching

If this is not possible, can you tell me the allowable parameters for requested searches?

Also, can you please clarify whether or not the City has possession of the records I originally requested? Your previous response was unclear in that you said the search you ran turned up nothing but you didn't say that the City did not retain emails from 2009 and earlier. If this is the case can you please let me know? Can you tell me roughly what emails the City has copies of? This would assist me in reframing this request if necessary so that it produces results.

thanks,

Adrian

On Thu, Jul 6, 2017, at 02:58 PM, Kuljeet Arora wrote:

Hello Mr. Adrian,
Please let me know if you would like to keep the same search with new dates or start a new search.

Thank You

Regards

On Thu, Jun 15, 2017 at 9:47 AM, <adrian@the-hanged-man.net> wrote:

EXHIBIT A

Subject: Re: Possible archived emails from CD13
From: Kuljeet Arora <kuljeet.arora@lacity.org>
Date: 7/17/17, 1:13 PM
To: adrian@mailingaddress.org

Mr. Adrian,

They aren't 'missing', the emails earlier than 2009 and older were part of the prior legacy system that was decommissioned because of costs to maintain staff and on site servers.

Two years worth of emails were retained for a time period until the city was fully switched to the cloud based email system, in use now.

Every email that the city has in its possession is in the current Vault database.

Thank You

Regards

On Mon, Jul 17, 2017 at 9:14 AM, <adrian@mailingaddress.org> wrote:

Hi, thanks for letting me know. How long has it been known that all emails from 2009 and earlier are missing? Is there some reason Ms. Lung-Tam didn't tell me this at the time I made the request? Does anyone know what happened to the earlier emails?

On Mon, Jul 17, 2017, at 09:11 AM, Kuljeet Arora wrote:

> Hello Mr. Adrian,
> ITA can run the new search as you mentioned. For the prior search, there
> are no responsive records in our possession. As a frame of reference,
> the
> city has emails from 2010 on. Please let me know.
> Thank You
> Regards

>
> On Thu, Jul 6, 2017 at 3:17 PM, <adrian@mailingaddress.org> wrote:

>
> > Hello Mr. Kuljeet.
> >
> > Can you run a search for all emails between the lacity.org addresses and
> > anyone at the domain hollywoodbid.org from January 1, 2007 through
> > December 31, 2016 with no search terms. I am attaching
> >

Subject: Re: Possible archived emails from CD13
From: adrian@mailingaddress.org
Date: 7/17/17, 1:30 PM
To: Kuljeet Arora <kuljeet.arora@lacity.org>

Can it be true that someone at the City made a conscious decision to destroy all emails from 2009 and earlier? And the City Attorney said this was OK? Is there some kind of paperwork associated with this decision?

Do you know by when you'll be able to run the search?

Thanks again for all your help.

Adrian

On Mon, Jul 17, 2017, at 01:13 PM, Kuljeet Arora wrote:

Mr. Adrian,
They aren't 'missing', the emails earlier than 2009 and older were part of the prior legacy system that was decommissioned because of costs to maintain staff and on site servers.

Two years worth of emails were retained for a time period until the city was fully switched to the cloud based email system, in use now.

Every email that the city has in its possession is in the current Vault database.

Thank You

Regards

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Hi, thanks for letting me know. How long has it been known that all emails from 2009 and earlier are missing? Is there some reason Ms. Lung-Tam didn't tell me this at the time I made the request? Does anyone know what happened to the earlier emails?

On Mon, Jul 17, 2017, at 09:11 AM, Kuljeet Arora wrote:

Hello Mr. Adrian,
ITA can run the new search as you mentioned. For the prior search, there are no responsive records in our possession. As a frame of reference, the city has emails from 2010 on. Please let me know.
Thank You
Regards

On Thu, Jul 6, 2017 at 3:17 PM, <adrian@mailingaddress.org> wrote:

Hello Mr. Kuljeet.

Can you run a search for all emails between the lacity.org addresses

Subject: Re: Possible archived emails from CD13
From: Kuljeet Arora <kuljeet.arora@lacity.org>
Date: 7/17/17, 2:18 PM
To: adrian@mailingaddress.org

Mr. Adrian,

In my previous emails, I am asking to let me know if you would like ITA to run the new request. Please acknowledge by responding to the email that you would like ITA to proceed with your new search.

I will let you know by when your search will be ready.

Thank You

On Mon, Jul 17, 2017 at 1:30 PM, <adrian@mailingaddress.org> wrote:
Can it be true that someone at the City made a conscious decision to destroy all emails from 2009 and earlier? And the City Attorney said this was OK? Is there some kind of paperwork associated with this decision?

Do you know by when you'll be able to run the search?

Thanks again for all your help.

Adrian

On Mon, Jul 17, 2017, at 01:13 PM, Kuljeet Arora wrote:
> Mr. Adrian,
> They aren't 'missing', the emails earlier than 2009 and older were part
> of
> the prior legacy system that was decommissioned because of costs to
> maintain staff and on site servers.
>
> Two years worth of emails were retained for a time period until the city
> was fully switched to the cloud based email system, in use now.
>
> Every email that the city has in its possession is in the current Vault
> database.
>
> Thank You
>
> Regards
>
> On Mon, Jul 17, 2017 at 9:14 AM, <adrian@mailingaddress.org> wrote:
>

Subject: Re: Possible archived emails from CD13
From: adrian@mailingaddress.org
Date: 7/17/17, 2:24 PM
To: Kuljeet Arora <kuljeet.arora@lacity.org>

I would like ITA to proceed with my new search, as I told you on July 6.
Given the amount of time involved, can you please make the ending date be June 30, 2017 instead? I'm attaching a modified form.

Adrian

On Mon, Jul 17, 2017, at 02:18 PM, Kuljeet Arora wrote:

Mr. Adrian,
In my previous emails, I am asking to let me know if you would like ITA to run the new request. Please acknowledge by responding to the email that *you would like ITA to proceed with your new search. *

I will let you know by when your search will be ready.

Thank You

On Mon, Jul 17, 2017 at 1:30 PM, <adrian@mailingaddress.org> wrote:

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Two years worth of emails were retained for a time period until the city was fully switched to the cloud based email system, in use now.

Every email that the city has in its possession is in the current Vault database.

Thank You

Regards

On Mon, Jul 17, 2017 at 9:14 AM, <adrian@mailingaddress.org> wrote:

Subject: Re: Possible archived emails from CD13
From: Kuljeet Arora <kuljeet.arora@lacity.org>
Date: 7/17/17, 2:26 PM
To: adrian@mailingaddress.org

Thank you.

I will submit your new form to the Google Search team and let you know as soon as it is ready.

On Mon, Jul 17, 2017 at 2:24 PM, <adrian@mailingaddress.org> wrote:
I would like ITA to proceed with my new search, as I told you on July 6.
Given the amount of time involved, can you please make the ending date be June 30, 2017 instead? I'm attaching a modified form.

Adrian

On Mon, Jul 17, 2017, at 02:18 PM, Kuljeet Arora wrote:

> Mr. Adrian,
> In my previous emails, I am asking to let me know if you would like ITA
> to
> run the new request. Please acknowledge by responding to the email that
> *you
> would like ITA to proceed with your new search. *
>
> I will let you know by when your search will be ready.
>
> Thank You

> On Mon, Jul 17, 2017 at 1:30 PM, <adrian@mailingaddress.org> wrote:
>

> > Can it be true that someone at the City made a conscious decision to
> > destroy all emails from 2009 and earlier? And the City Attorney said
> > this was OK? Is there some kind of paperwork associated with this
> > decision?

> >
> > Do you know by when you'll be able to run the search?

> >
> > Thanks again for all your help.

> >
> > Adrian

> >
> > On Mon, Jul 17, 2017, at 01:13 PM, Kuljeet Arora wrote:
> > > Mr. Adrian,

Subject: Re: Possible archived emails from CD13
From: adrian@mailingaddress.org
Date: 7/17/17, 2:28 PM
To: Kuljeet Arora <kuljeet.arora@lacity.org>

Thanks. Do you have any idea how long the backlog is? Do you have any idea when my request from May 2016 might be ready?

On Mon, Jul 17, 2017, at 02:26 PM, Kuljeet Arora wrote:

Thank you.
I will submit your new form to the Google Search team and let you know as soon as it is ready.

On Mon, Jul 17, 2017 at 2:24 PM, <adrian@mailingaddress.org> wrote:

I would like ITA to proceed with my new search, as I told you on July 6. Given the amount of time involved, can you please make the ending date be June 30, 2017 instead? I'm attaching a modified form.

Adrian

On Mon, Jul 17, 2017, at 02:18 PM, Kuljeet Arora wrote:

Mr. Adrian,
In my previous emails, I am asking to let me know if you would like ITA to run the new request. Please acknowledge by responding to the email that *you would like ITA to proceed with your new search. *

I will let you know by when your search will be ready.

Thank You

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Do you know by when you'll be able to run the search?

Thanks again for all your help.

Adrian

On Mon, Jul 17, 2017, at 01:13 PM, Kuljeet Arora wrote:

Mr. Adrian,
They aren't 'missing', the emails earlier than 2009 and older were

part

Subject: Fwd: Re: Possible archived emails from CD13

From: adrian@123mail.org

Date: 1/20/19, 11:32 AM

To: Kuljeet Arora <kuljeet.arora@lacity.org>

CC: Mike Dundas <mike.dundas@lacity.org>

Hi Ms. Arora,

I'm just wondering about the status of this. It is 18 months old at this point. I know from talking to people that ITA can fill these requests sometimes in four or five months, so it really seems as if you're ignoring this.

Thanks for your attention to this pressing matter!

Adrian

----- Original message -----

From: adrian@mailingaddress.org

To: Kuljeet Arora <kuljeet.arora@lacity.org>

Subject: Re: Possible archived emails from CD13

Date: Mon, 17 Jul 2017 14:24:35 -0700

I would like ITA to proceed with my new search, as I told you on July 6.

Given the amount of time involved, can you please make the ending date be June 30, 2017 instead? I'm attaching a modified form.

Adrian

On Mon, Jul 17, 2017, at 02:18 PM, Kuljeet Arora wrote:

Mr. Adrian,
In my previous emails, I am asking to let me know if you would like ITA to run the new request. Please acknowledge by responding to the email that *you would like ITA to proceed with your new search. *

I will let you know by when your search will be ready.

Thank You

—Attachments:—

public records and ediscovery request form 021616-Riskin-2017_07_17.docx

12.0 kB

Subject: Automatic E-Mail Reply Re: Fwd: Re: Possible archived emails from CD13

From: "Kuljeet Arora" <kuljeet.arora@lacity.org>

Date: 1/20/19, 11:32 AM

To: adrian@123mail.org

I am out of the office, returning on Wednesday 23rd, 2019.

For IT Professional Contract requests, please contact Maryam Abbassi at 213-473-9797, or email at Maryam.Abbassi@lacity.org in an emergency, or leave me a message, I will contact you upon my return.

For CPRA matters, please leave me a message, and I will contact you upon my return,

Please note that every other Monday is my Regular Day Off (RDO).

Thank you.

--

Kuljeet Arora

Sr. Systems Analyst II

Information Technology Agency*

200 N. Main St, CHE, 14th floor (14-171)

Los Angeles, CA 90012

(:213.922-8307 | *: Kuljeet.Arora@lacity.org

* a department of 'City of Los Angeles'

'Please note that every other Monday is my Regular Day Off'

"Teaching and Learning Are Lifelong Journeys".

~ Author Unknown

P Please consider the environment before printing this email

Subject: Re: Re: Possible archived emails from CD13
From: Kuljeet Arora <kuljeet.arora@lacity.org>
Date: 1/23/19, 9:36 AM
To: adrian@123mail.org
CC: Mike Dundas <mike.dundas@lacity.org>

Mr.Adrian,

This request was closed by ITA on 04/12/18 as the results were shared with Mike Dundas for review. Please contact Mike directly for the results.

Thank you

On Sun, Jan 20, 2019 at 11:32 AM <adrian@123mail.org> wrote:

Hi Ms. Arora,

I'm just wondering about the status of this. It is 18 months old at this point. I know from talking to people that ITA can fill these requests sometimes in four or five months, so it really seems as if you're ignoring this.

Thanks for your attention to this pressing matter!

Adrian

----- Original message -----

From: adrian@mailingaddress.org
To: Kuljeet Arora <kuljeet.arora@lacity.org>
Subject: Re: Possible archived emails from CD13
Date: Mon, 17 Jul 2017 14:24:35 -0700

I would like ITA to proceed with my new search, as I told you on July 6. Given the amount of time involved, can you please make the ending date be June 30, 2017 instead? I'm attaching a modified form.

Adrian

On Mon, Jul 17, 2017, at 02:18 PM, Kuljeet Arora wrote:

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> run the new request. Please acknowledge by responding to the email that
> *you
> would like ITA to proceed with your new search. *
>
> I will let you know by when your search will be ready.
>

Subject: Re: Possible archived emails from CD13
From: adrian@123mail.org
Date: 1/23/19, 9:40 AM
To: Kuljeet Arora <kuljeet.arora@lacity.org>
CC: Mike Dundas <mike.dundas@lacity.org>

Hi Mike,

I suppose that when you told me that all my requests were complete you were including this one?

Thanks!

Adrian

On Wed, Jan 23, 2019, at 9:36 AM, Kuljeet Arora wrote:

Mr. Adrian,
This request was closed by ITA on 04/12/18 as the results were shared with Mike Dundas for review. Please contact Mike directly for the results.
Thank you

On Sun, Jan 20, 2019 at 11:32 AM adrian@123mail.org wrote:

Hi Ms. Arora,

I'm just wondering about the status of this. It is 18 months old at this point. I know from talking to people that ITA can fill these requests sometimes in four or five months, so it really seems as if you're ignoring this.

Thanks for your attention to this pressing matter!

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----- Original message -----
From: adrian@mailingaddress.org
To: Kuljeet Arora <kuljeet.arora@lacity.org>
Subject: Re: Possible archived emails from CD13
Date: Mon, 17 Jul 2017 14:24:35 -0700

I would like ITA to proceed with my new search, as I told you on July 6. Given the amount of time involved, can you please make the ending date be June 30, 2017 instead? I'm attaching a modified form.

Adrian

On Mon, Jul 17, 2017, at 02:18 PM, Kuljeet Arora wrote:

Mr. Adrian,
In my previous emails, I am asking to let me know if you would like ITA to run the new request. Please acknowledge by responding to the email that *you would like ITA to proceed with your new search. *

I will let you know by when your search will be ready.

Subject: Re: Possible archived emails from CD13
From: adrian@123mail.org
Date: 1/31/19, 12:17 PM
To: Mike Dundas <mike.dundas@lacity.org>

Hello Mike,

I'm just wondering if you can give me an ETA on this 18 month old matter?

Thanks!

Adrian

On Wed, Jan 23, 2019, at 9:40 AM, adrian@123mail.org wrote:

Hi Mike,

I suppose that when you told me that all my requests were complete you were including this one?

Thanks!

Adrian

On Wed, Jan 23, 2019, at 9:36 AM, Kuljeet Arora wrote:

Mr.Adrian,
This request was closed by ITA on 04/12/18 as the results were shared with Mike Dundas for review. Please contact Mike directly for the results.
Thank you

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Thanks for your attention to this pressing matter!

Adrian

----- Original message -----

From: adrian@mailingaddress.org
To: Kuljeet Arora <kuljeet.arora@lacity.org>
Subject: Re: Possible archived emails from CD13
Date: Mon, 17 Jul 2017 14:24:35 -0700

I would like ITA to proceed with my new search, as I told you on July 6. Given the amount of time involved, can you please make the ending date be June 30, 2017 instead? I'm attaching a modified form.

Adrian

On Mon, Jul 17, 2017, at 02:18 PM, Kuljeet Arora wrote:

Subject: Re: Possible archived emails from CD13
From: adrian@123mail.org
Date: 2/11/19, 10:05 AM
To: Mike Dundas <mike.dundas@lacity.org>

Dear Mike,

I'm just wondering if you have a corrected estimate as to when this might be ready?

Thanks,

Adrian

On Thu, Jan 31, 2019, at 12:17 PM, adrian@123mail.org wrote:

Hello Mike,

I'm just wondering if you can give me an ETA on this 18 month old matter?

Thanks!

Adrian

On Wed, Jan 23, 2019, at 9:40 AM, adrian@123mail.org wrote:

Hi Mike,

I suppose that when you told me that all my requests were complete you were including this one?

Thanks!

Adrian

On Wed, Jan 23, 2019, at 9:36 AM, Kuljeet Arora wrote:

Mr.Adrian,
This request was closed by ITA on 04/12/18 as the results were shared with Mike Dundas for review. Please contact Mike directly for the results.
Thank you

On Sun, Jan 20, 2019 at 11:32 AM [<adrian@123mail.org>](mailto:adrian@123mail.org) wrote:

Hi Ms. Arora,

I'm just wondering about the status of this. It is 18 months old at this point. I know from talking to people that ITA can fill these requests sometimes in four or five months, so it really seems as if you're ignoring this.

Thanks for your attention to this pressing matter!

Adrian

----- Original message -----

From: adrian@mailingaddress.org
To: Kuljeet Arora [<kuljeet.arora@lacity.org>](mailto:kuljeet.arora@lacity.org)
Subject: Re: Possible archived emails from CD13

Subject: Re: Possible archived emails from CD13
From: Mike Dundas <mike.dundas@lacity.org>
Date: 2/11/19, 10:58 AM
To: adrian@123mail.org

Mr. Riskin,

I am waiting on an update from the staff who took over CPRA for our office. I will follow up by the end of the week.

On Mon, Feb 11, 2019 at 10:05 AM <adrian@123mail.org> wrote:

Dear Mike,

I'm just wondering if you have a corrected estimate as to when this might be ready?

Thanks,

Adrian

On Thu, Jan 31, 2019, at 12:17 PM, adrian@123mail.org wrote:

> Hello Mike,

>

> I'm just wondering if you can give me an ETA on this 18 month old matter?

>

> Thanks!

>

> Adrian

>

> On Wed, Jan 23, 2019, at 9:40 AM, adrian@123mail.org wrote:

> > Hi Mike,

> >

> > I suppose that when you told me that all my requests were complete you
> > were including this one?

> >

> > Thanks!

> >

> > Adrian

> >

> > On Wed, Jan 23, 2019, at 9:36 AM, Kuljeet Arora wrote:

> > > Mr.Adrian,

> > > This request was closed by ITA on 04/12/18 as the results were shared
with

> > > Mike Dundas for review. Please contact Mike directly for the results.

> > > Thank you

> > >

Subject: Re: Possible archived emails from CD13
From: adrian@123mail.org
Date: 3/1/19, 10:18 AM
To: "Mike Dundas" <mike.dundas@lacity.org>

Mr. Dundas,

Just wondering which week you meant.

thanks!

Adrian

On Mon, Feb 11, 2019, at 10:59 AM, Mike Dundas wrote:

Mr. Riskin,

I am waiting on an update from the staff who took over CPRA for our office. I will follow up by the end of the week.

On Mon, Feb 11, 2019 at 10:05 AM <adrian@123mail.org> wrote:

Dear Mike,

I'm just wondering if you have a corrected estimate as to when this might be ready?

Thanks,

Adrian

On Thu, Jan 31, 2019, at 12:17 PM, <adrian@123mail.org> wrote:

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> > > Thank you

> > >

> > > On Sun, Jan 20, 2019 at 11:32 AM <adrian@123mail.org> wrote:

> > >

> > > > Hi Ms. Arora,

EXHIBIT D

Request Visibility: Unpublished

< Request #18-1977 >

OPEN

Emails between deron.williams@lacity.org and andrew.westall@lacity.org from Jan. 12, 2012 through Dec. 31 2014 in mbox pls tx.

Received August 3, 2018 via web

Departments Information Technology Agency (ITA)

Requester beatboxingfoollosangeles@gmail.com
 beatboxingfoollosangeles@gmail.com

Documents

Public (none)

(pending)



Requester (none)

Staff

Point of Contact Kuljeet Arora (ITA)



External Message Requester + Staff

Still wondering about the status of this, thanks.

April 11, 2019, 8:01pm by the requester

External Message Requester + Staff

Wondering about the status of this, thanks.

February 10, 2019, 1:20pm by the requester

External Message Requester + Staff

ITA has completed your CPRA request and has forwarded the records to City Attorney office for the review. We will contact you if there are any questions. Thank you

December 21, 2018, 2:57pm by Kuljeet Arora (ITA) (Staff)

Due Date Changed Public

01/31/2019 (was 12/21/2018). ITA has completed your CPRA request and has forwarded the records to City Attorney office for the review. We will contact you if there are any questions. Thank you

December 21, 2018, 2:57pm

Due Date Changed Public

12/21/2018 (was 11/30/2018). Google Team is still working on this request. A reminder was sent to the team to put a priority.

December 6, 2018, 8:43am

Due Date Changed Public

11/30/2018 (was 10/31/2018). ITA's Google Team is working on this request. The results will be then delivered to the City Attorney for review. Thank you

November 1, 2018, 9:30am

Due Date Changed Public

10/31/2018 (was 08/13/2018). Determination Letter provided to the requester.

August 9, 2018, 7:58am

External Message [Hide](#) Requester + Staff

Hello beatboxingfoollosangeles@gmail.com,
Thank you for submitting your above request under California Public Records Act (CPRA) request to Information Technology Agency (ITA) as of dated Friday, August 7th, 2018. This email confirms that ITA has received your request and working on gathering the information.

Per your request, to provide you with emails between deron.williams@lacity.org and andrew.westall@lacity.org from Jan 12, 2012, through December 31, 2014, in MBIX format. You have not indicated any keyword that you are looking for. ITA is working on gathering this information and will submit it to you as soon as the information is gathered and reviewed.

ITA has made its determination on your request as required by Government Code section 6253(c). To the extent that this office has non-exempt records responsive to this request, those records will be produced at the conclusion of our search. While most of the records are expected to be non-exempt, we do know that some of the records may be exempt from production. Some records may be exempt from production under California Government Code section 6254(k) because they are confidential attorney-client communications and/or protected attorney work product.

Additionally, some of the records may be exempt from release under Government Code section 6254(b) because they are "records about pending litigation." Finally, while unlikely, some requested records may be withheld under Government Code section 6255 because they would show the listed officials' deliberative process. As to these documents, Government Code section 6255 permits nondisclosure because the public interest served by protecting the official's decision-making process clearly outweighs the public interest served by the records' disclosure. Because the responsive emails must be extracted from an archival database, Government Code 6253.9(b) states that the requester shall bear the actual cost of producing a copy of the record, including the cost to construct a record, and the cost of programming and computer services necessary to extract a copy of the record whenever programming is required. We will email you in the coming weeks with the estimated labor cost once our IT staff can program your search. Please keep in mind that the California Public Records Act allows this department to receive payment in advance of the delivery of the records. As you know, we are processing CPRA searches in the order they are received.

At this time, we estimate that we will be able to produce the records to you by the end of October 2018 or around then.

Please feel free to contact me directly, should you have any questions or concerns.

Thank You for your cooperation

Regards

August 7, 2018, 1:54pm by Kuljeet Arora (ITA) (Staff)

Department Assignment Public

Information Technology (ITA)

August 3, 2018, 9:57am

Request Opened Public

Request received via web

August 3, 2018, 9:57am

Subject: [External Message Added] City of Los Angeles public records request #18-1977
From: "publicrecords@lacity.org" <support@nextrequest.com>
Date: 10/18/19, 9:35 AM
To: beatboxingfoollosangeles@gmail.com

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City of Los Angeles Public Records

Hi there

A message was sent to you regarding record request #18-1977:


Your request in the still shows 'OPEN'. Please advise ITA if you have not received the results of your request and you are still interested in getting them.

Thank You

Sincerely

View Request 18-1977

<http://lacity.nextrequest.com/requests/18-1977>

Request Visibility:  Unpublished

< Request #18-1977 >

 OPEN

Emails between deron.williams@lacity.org and andrew.westall@lacity.org from Jan. 12, 2012 through Dec. 31 2014 in mbox pls tx.

Received **August 3, 2018** via web

Departments **Information Technology Agency (ITA)**

Requester **beatboxingfoollosangeles@gmail.com**
 beatboxingfoollosangeles@gmail.com

Documents

Public (none)
(pending)



Requester (none)

Staff

Point of Contact **Kuljeet Arora (ITA)**



✓ External Message [Hide](#)

Requester + Staff

ITA completed the request and forwarded the results to the City Attorney office for review. ITA will follow up if the records are ready to be shared. Thank you for your patience.

October 18, 2019, 1:53pm by Kuljeet Arora (ITA), Sr. Systems Analyst II (Staff)

✓ External Message

Requester + Staff

I have not received the results, I am still interested in receiving them, and I am requesting an estimated date of production.

October 18, 2019, 1:45pm by the requester

✓ External Message

Requester + Staff

Your request in the still shows 'OPEN'. Please advise ITA if you have not received the results of your request and you are still interested in getting them.

Thank You
Sincerely

October 18, 2019, 9:35am by Kuljeet Arora (ITA), Sr. Systems Analyst II (Staff)

✓ External Message

Requester + Staff

Still wondering about the status of this, thanks.

April 11, 2019, 8:01pm by the requester

✓ External Message

Requester + Staff

Wondering about the status of this, thanks.

February 10, 2019, 1:20pm by the requester